

# City of Swartz Creek

## AGENDA

Regular Council Meeting, Monday, July 22, 2024, 7:00 P.M.

Paul D. Bueche Municipal Building, 8083 Civic Drive Swartz Creek, Michigan 48473

**THIS WILL BE A HYBRID MEETING, WITH IN PERSON ATTENDANCE BY COUNCIL MEMBERS.**

1. **CALL TO ORDER:**
2. **INVOCATION & PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
  - 4A. Council Meeting of July 8, 2024 MOTION Pg. 33
5. **APPROVE AGENDA:**
  - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
  - 6A. City Manager's Report MOTION Pg. 8
  - 6B. Staff Reports & Meeting Minutes Pg. 39
  - 6C. FOG Sealant Bids Pg. 43
  - 6D. Fence Bids Pg. 68
  - 6E. Lighting Ordinance Amendments Pg. 80
  - 6F. 8006 Miller Zoning Permit (Alley) Pg. 85
  - 6G. Civil Action Summons Communications Pg. 89
  - 6H. Abrams Flag Pole Donation Pg. 93
  - 6I. Whitney Court Parking Layout Pg. 97
7. **MEETING OPENED TO THE PUBLIC:**
  - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
  - 8A. Fence Bids RESO Pg. 24
  - 8B. Lighting Zoning Ordinance RESO Pg. 25
  - 8C. 8006 Miller Zoning Permit (Alley) RESO Pg. 30
  - 8D. Abrams Flag Pole Donation RESO Pg. 31
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION Pg. 32

### **Next Month Calendar** (Public Welcome at All Meetings)

Metro Police Board:	Wednesday, July 24, 2024, 11:00 a.m., Metro HQ
City Council	Monday, August 12, 2024, 7:00 p.m., PDBMB
Planning Commission:	Tuesday, August 6, 2024, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, August 8, 2024, 6:00 p.m., PDBMB
Fire Board:	Monday, August 19, 2024, 6:00 p.m., Station #2
Park Board:	Tuesday, August 20, 2024, 5:30 p.m. PDBMB
Zoning Board of Appeals:	Wednesday, August 21, 2024, 6:00 p.m., PDBMB
City Council:	Monday, August 26, 2024, 7:00 p.m., PDBMB

## **City of Swartz Creek Mission Statement**

The City shall provide a full range of public services in a professional and competent manner, assuring that the needs of our constituents are met in an effective and fiscally responsible manner, thus promoting a high standard of community life.

## **City of Swartz Creek Values**

The City of Swartz Creek's Mission Statement is guided by a set of values which serve as a common operating basis for all City employees. These values provide a common understanding of responsibilities and expectations that enable the City to achieve its overall mission. The City's values are as follows:

### ***Honesty, Integrity and Fairness***

The City expects and values trust, openness, honesty and integrity in the words and actions of its employees. All employees, officials, and elected officials are expected to interact with each other openly and honestly and display ethical behavior while performing his/her job responsibilities. Administrators and department heads shall develop and cultivate a work environment in which employees feel valued and recognize that each individual is an integral component in accomplishing the mission of the City.

### ***Fiscal Responsibility***

Budget awareness is to be exercised on a continual basis. All employees are expected to be conscientious of and adhere to mandated budgets and spending plans.

### ***Public Service***

The goal of the City is to serve the public. This responsibility includes providing a wide range of services to the community in a timely and cost-effective manner.

### ***Embrace Employee Diversity and Employee Contribution, Development and Safety***

The City is an equal opportunity employer and encourages diversity in its work force, recognizing that each employee has unlimited potential to become a productive member of the City's team. Each employee will be treated with the level of respect that will allow that individual to achieve his/her full potential as a contributing member of the City staff. The City also strives to provide a safe and secure work environment that enables employees to function at his/her peak performance level. Professional growth opportunities, as well as teamwork, are promoted through the sharing of ideas and resources. Employees are recognized for his/her dedication and commitment to excellence.

### ***Expect Excellence***

The City values and expects excellence from all employees. Just "doing the job" is not enough; rather, it is expected that employees will consistently search for more effective ways of meeting the City's goals.

### ***Respect the Dignity of Others***

Employees shall be professional and show respect to each other and to the public.

### ***Promote Protective Thinking and Innovative Suggestions***

Employees shall take the responsibility to look for and advocate new ways of continuously improving the services offered by the City. It is expected that employees will perform to the best of his/her abilities and shall be responsible for his/her behavior and for fulfilling the professional commitments they make. Administrators and department heads shall encourage proactive thinking and embrace innovative suggestions from employees.

**CITY OF SWARTZ CREEK  
VIRTUAL REGULAR CITY COUNCIL MEETING ACCESS INSTRUCTIONS  
MONDAY, JULY 22, 2024, 7:00 P.M.**

The regular meeting of the City of Swartz Creek city council is scheduled for **July 22, 2024** starting at 7:00 p.m. and will be conducted in hybrid form. The meeting will be available virtually (online and/or by phone). Council members and staff must attend in-person. The general public may attend in-person or virtually.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft, 810-429-2766, 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

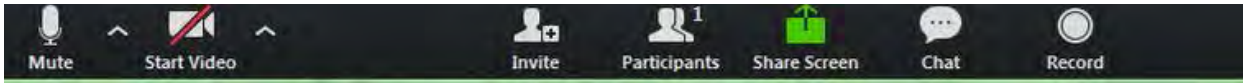
1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on **“Test Computer Audio.”** Once you are satisfied that your audio works, click on **“Join audio by computer.”**

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

**Renee Kraft is inviting you to a scheduled Zoom meeting.**

**Topic: Swartz Creek City Council Meeting**

**Time: July 22, 2024 at 7:00 PM Eastern Time (US and Canada)**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83096401128>

**Meeting ID: 830 9640 1128**

**One tap mobile**

**+13017158592,,83096401128# US (Washington DC)**

**+13126266799,,83096401128# US (Chicago)**

**Dial by your location**

**+1 301 715 8592 US (Washington DC)**

**+1 312 626 6799 US (Chicago)**

**+1 929 205 6099 US (New York)**

**+1 253 215 8782 US (Tacoma)**

**+1 346 248 7799 US (Houston)**

**+1 669 900 6833 US (San Jose)**

**Meeting ID: 830 9640 1128**

**Find your local number: <https://us02web.zoom.us/j/kz4Jb4etg>**

**If you have any further questions or concerns, please contact 810-429-2766 or email [rkraft@cityofswartzcreek.org](mailto:rkraft@cityofswartzcreek.org).**

**A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

## **CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, the City Council General Operating Procedures, and other public board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic

public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the virtual application or by dialing \*9 on their phone, if applicable.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member who reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF COUNCIL**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.

4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.
7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**

Regular Council Meeting of Monday, July 22, 2024 - 7:00 P.M.

**TO:** *Honorable Mayor, Mayor Pro-Tem & Council Members*  
**FROM:** Adam Zettel, City Manager  
**DATE:** July 17, 2024

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**ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

- ✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(No Change of Status)*  
There have not been any commercial appeals for 2024 as of yet. Though some commercial appeals reach the tribunal in July, I suspect there will not be any for this calendar year.
  
- ✓ **STREETS** *(See Individual Category)*
  - ✓ **2020-2023 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(Update)*  
The Miller Road rehabilitation is complete, including bike lane markings. I have submitted a final report to close this project with the state.

There are no further TIP projects planned for the current three-year cycle.

The 2026-2029 TIP cycle is going to be open to applications this fall. We will be learning more about available funds, special conditions, and expectations of applications at a meeting on July 25th. Tentatively, I recommend we include the asphalt sections of Miller Road, Dye to Morrish. This section has a decent base, but the surface will begin to deteriorate quickly based upon the expected life cycle of the rehabilitation. While Elms and Bristol may be showing more stress, the scale of Miller Road, combined with its volume, width, and functional classification make this a good candidate for optimization of federal funds.

- ✓ **STREET PROJECT UPDATES** *(Business Item)*  
*This is a standing section of the report on the status of streets as it relates to our dedicated levy, 20-year plan, ongoing projects, state funding, and committee work. Information from previous reports can be found in prior city council packets.*

We solicited bids for seal coating overlays (FOG seal) for select streets that are in need of preservation but are not yet in need of a mill and resurfacing. This application was last applied to downtown streets (First, Second, Third, Wade, etc.) about twelve years ago. Bids were opened on the 18<sup>th</sup>. Unfortunately, this process appears to be in high demand. One bid holder that had shown great interest opted not to bid on the job at all, and the successful low bidder cannot start until May of 2025.

With that said, I am including the bid tab and the complete bid by Highway Maintenance & Construction. Their price to complete all work is \$171,560.10. The breakdown, without crack fill and mobilization, is as follows for the three select neighborhoods:

Heritage Village:	\$74,012.40
Otterburn Heights:	\$33,654.60



Parkridge: \$51,893.10

I am not recommending a course of action at this time. With the timeline for this work extending ten months, we have the opportunity to further analyze and prioritize our maintenance needs prior to making a decision. Staff intends to return at the first or second August meeting with a more comprehensive understanding of where our current street projects stand in terms of realized expenses compared to budget, as well as the potential for changes to state street revenue sharing.

This information is vital to ensuring we are cautious about spending as it relates to other obligations, such as Don Shenk. Conversely, we are very mindful that timely maintenance, that is significantly more affordable, is the key to a sustainable asset management strategy. With that said, we may find that not all neighborhoods appear to be in a multi-year budget that includes known priorities, or we may find that we can add Springbrook East or other areas at the unit cost of \$3.15/sq yd.

Please consider the bid packet and the neighborhoods in question, including the potential for Springbrook East. Drive or walk them if you can. If the budget does appear constrained, selecting which areas to target in 2025 could be a very demanding prioritization task for the city.

Concerning rehabilitation work for 2024, council approved the extension of existing unit pricing for three additional street sections (note that these prices were updated by a May 9 supplement that was distributed at the meeting).

The sections are:

1. Maple (Crapo to end)	\$36,032.25
2. School (Ingalls to end)	\$38,426.00
3. Raubinger (Apartment to bridge)	\$27,781.25
Total	\$102,239.50 estimated = +\$1,500 additional mobilization

Elms Road has been completed by the Genesee County Road Commission. Note that the DPW will be touching up the shoulders a bit to ensure proper drainage and safety in this area. In addition, there may be enough budget to extend the School Street repair north to butt up with the most recent repair North of Ingalls. We are also exploring rehabilitation of a small stretch on Morrish (a major street) south of Miller.

If affordable and prudent, small sections may be added to this scope, provided we are able to move the street plan forward at competitive prices. Once such addition is the extension of the School Street repairs to align with the most recent repair on the north end.

Road striping is underway. We expect the line striping city-wide, with the potential exception of Seymour (due to construction). Additional striping for bike lanes and MPH stenciling has occurred. The contractor and staff believe these markings are too small. We expect to increase the size during any future application.

In addition, we have ordered engineering services for Don Shenk Street reconstruction, as well as Cappy Lane and water main work. Note that Don Shenk does not require water main replacement, and part of Cappy Lane is also of newer street and water main. We should have enough funds to complete this project in the 2025 construction season. If not, I will recommend use of major street fund dollars for Cappy Lane and/or short term internal borrowing.

Street reconstruction for Winchester Village is moving forward, with project completion by the end of summer likely. This is making life very busy and inconvenient for residents in Winchester Village. We have been updating those impacted with direct mailings, door hangers, and electronic communications.

Related to this project, the contractor is claiming that there is an issue with the subbase in areas of the village, and they indicate that they will likely file a claim for additional compensation to manage this. Our engineer does not see any validity to this. We met on the matter on June 7<sup>th</sup> and again on July 11<sup>th</sup>. We do have some concerns that they may claim to be owed tens of thousands more for aggregate. Our engineering is closely monitoring quantities and this claim, and we are ordering additional road core samples to be drawn to ascertain the thickness of aggregate throughout the project area.

Street rehabilitation with limited drainage in Winchester Woods is nearly complete! Paving has occurred for all areas except a section of Young Drive. This section was postponed pending potential drive/ditch work. It will be paved when the contractor mobilizes to tackle the other approved local street sections.

Note that we have added some work to this in the field, resulting in a few more ditches and culverts being graded and/or upsized. I expect this to be about \$40,000 in additional work that will help improve the current situation for many and improve the future situation for all. The idea is to set the more downstream drains at the proper elevation and size to accommodate any future improvements upstream.

Concerning the Morrish overpass, the county is going to work on the existing drain structures that are deficient. We will use our DPW to keep the guardrails and slopes in the best condition possible with our resources. A larger investment by MDOT at some future point will be required.

✓ **WATER – SEWER ISSUES PENDING** (*See Individual Category*)

✓ **SEWER REHABILITATION PROGRAM** (*No Change of Status*)

The first three miles of cleaning and inspections (two sections of Miller, Dye, and all of Elms) have commenced. I expect this project to be completed very soon. We will report the findings to the city council regarding the potential for additional sewer repair work in the areas that were televised.

This effort is part of a program to clean and inspect the entire sewer system approximately every eight years. We believe this is a prudent time frame until we can assess all lines at least once. Note that Genesee County was on a seven-year schedule, but after an experience study, they moved to a ten-year schedule. Further note that

some segments (e.g. Miller and Elms) will be done more frequently due to known build-up issues.

This program will ensure proper flow of the system, but it cannot ensure elimination of all blockages. Televising of the lines will be conducted with inspection of manholes. This will provide the city with information to plan future lining, excavation, or manhole rehabilitation projects, if any. As noted previously, we believe we have addressed most, if not all, of the high-risk clay lines. The cleaning and inspection program will determine if any of the newer clay lines (1970s era) require work. With this information we can create a revised asset management plan.

✓ **WATER MAIN REPLACEMENT - USDA** *(No Change of Status)*

All water main work is substantially complete. There is some obvious restoration to do, which will take USDA closeout into winter, but for all intents and purposes, the water main is in and we are done with this phase of USDA work.

✓ **WATER/SEWER SYSTEM MISCELLANEOUS** *(Update)*

See prior reports (May 28, 2024) for updates on PFAS and water affordability.

The hydrant painting is underway. I expect this will be a project they are working on for much of the summer. Again, this includes lead abatement cleaning of all hydrants with sandblasting, as well as a complete new coating. Note that we may add hydrants that have just been installed or that were recently installed due to early onset rust. We expect to split this cost with the contractor for those that sustained installation wearing (a common occurrence with new installation).

Work is underway on a new section of water main that will connect Elms/Maple to Hill, and on to Morrish. This will provide some additional redundancy for the system. Water main is being installed on Elms, between Maple and Hill. Connection down Hill to Seymour is expected next year. These two connections will greatly increase reliability in the city, especially on our extreme west end, where we have a pronounced need for a second feed from either Clayton or Gaines. As a side note, this could encourage some new development south of the city, which is common to experience when utilities are extended during strong economic periods.

Our water meter wireless collector is not able to remain active on the communication pole that is on Elms Road. It appears Consumers Energy finds the power source to this area to be improper and will not drop another meter for us to use. We are faced with the option of correcting the issues that are pre-existing, which could cost tens of thousands of dollars, or finding another solution (the agreement provides a location on the tower, not guaranteed power).

We intend to solve this problem by installing a 70' tower at Elms Park. The plan is to erect a single pole next to our civil alert siren in Elms Park. This should provide a solution that is not very noticeable, provides a city-owned power feed, and is located in such a manner to collect east-side meters. The cost is to be borne by the collector provider (Fergusson) due to all of the delays and issues experienced with this installation.

✓ **HERITAGE VACANT LOTS** *(No Change of Status)*

Another privately owned lot is having a new home built.

The city also has two more lots that were acquired through the tax reversion process. There is interest by the builder to proceed with acquisition and construction. In addition, the association manager reached out about permitted designs and builders for the subdivision. There could be renewed interest in some building. This would finally clear us of the subdivision and put the association in a better position to build membership and dues for their operations.

Though the city cannot retain funds in addition to expenses for these lots, we are still expected to sell them at market value. Listings in Heritage for vacant units are \$10,000-\$12,000, and none of them are moving. I propose a price of \$10,000 for each lot. If there is no objection, I will bring this back to the council for the first step of the sale process.

✓ **NEWSLETTER (Update)**

The summer newsletter is out. Let me know what you think. The next newsletter is expected to go out in October.

✓ **CONSTRUCTION & DEVELOPMENT UPDATE (See Individual Category)**

This will be a standing section of the report that provides a consolidated list for a brief status on public and private construction/developmental projects in the city.

1. Additional **demolitions have been sought by the owner of the raceway.** The owner intends to have the site razed for future use in 2024-2025. The site is not formally for sale, nor is there a concept plan for reuse. I contacted the owner on May 15 and encouraged him to market the site, with the understanding that 'mega site' acreage is selling for \$30,000/acre.
2. **(Update)** The **reuse of Mary Crapo is becoming a reality.** The school has approved phase one of a varsity baseball field. They are including plans for a partnership that may allow the DDA to pursue seasonal skating and/or public art. It appears this is still part of the plan with two pickleball courts that can double as skating in the winter. My understanding is that project completion may hinge upon an upcoming ballot initiative.
3. **(Update)** **Street repair in 2024** is moving forward. All projects are underway and are trending towards completion prior to school returning to session in the fall. In addition, we have ordered repair by the GCRC of a small section of Elms. School, Maple, and Raubinger are due for repairs. There is also potential to apply a FOG seal to select streets.
4. The **Brewer Condo Project** first tri-plex is complete and all units are sold. The building is seeking to revisit future phases to correct for the lack of a ground floor master bedroom. He believes they can redesign the layout to accommodate this need, which might result in the future phases being multi-story duplexes. I indicated that this may be the best path forward. A site plan revision would be necessary.
5. The current phase of **Springbrook East is about to complete construction.** We created a punch list for the infrastructure improvements. Once complete, the plan is for the city to approve a formal street dedication soon (these streets are public). CE lighting has been approved. **There was a sale of this project's future phases and real estate.** It appears JW Morgan and another partner are in control of future phases.

6. The **southwest corner of Elms & Miller** is seeing some increased activity. We met with the owner and an architect on some preliminary plans. I expect to have a site plan in 30 days. The demolition is complete.
7. **(Update) Park projects** currently include an active grant application for Otterburn, pavilion repairs at Elms and application of more asphalt millings to all parking areas. The park board recommends interpretive signs, bike racks, and benches for the coming year. This city is working on all of these initiatives. Pickleball courts are now in at Elms Park. A FLOCK camera has been installed at Elms, and fence repair work has been bid out as well (see below).
8. **New Businesses.** Financing for the Book Nook appears to have been approved. We have two or three downtown businesses asking about the façade program.
9. **Mundy Megasite/Costco.** The Michigan legislature has affirmed \$250,000,000 to this site, primarily for land acquisition. Concerning the MEGA site, acquisition of some properties that are under contract has occurred. This makes the prospect of something happening here much more real, even if it is on a smaller scale. Note that there is still no movement on street infrastructure strategies or investment. We are told that no improvements will be implemented without a user. Costco has commenced work for their new location off Hill Road by US 23.
10. **(Update) Holland Square** has plans and a preliminary cost for construction of a market-style shelter. A steering committee has met and is working towards a final product, with results by fall. Currently, the architect and builder are revising plans. Samantha confirmed that we landed a \$75,000 grant! Council is being asked to approved the reservation agreement for this grant.
11. **Wayfinding** is another project that the DDA is pursuing. It has funding support of \$20,000 from the state and \$20,000 from the DDA. A steering committee has been established for this as well. It appears the consultants will be in town to work on this on July 30<sup>th</sup> and 31<sup>st</sup>.
12. The DDA is considering a **Social District**. With the potential for another tavern coming, the city has the ability to designate a commons area in the community. This was discussed by the DDA on April 11<sup>th</sup>. There was no desire to proceed at this point.

✓ **REDEVELOPMENT READY COMMUNITIES (Update)**

We are getting some feedback from the MEDC, and it does appear that we are substantially complete with fulfilling the needs to recertify this fall. We will liaise with the state to make sure and bring back any additional needs to the council .

The wayfinding program (see below) is mostly funded through this program. Thanks MEDC!

The Methodist Church project is being marketed, and Samantha has some new retail targeting lead software that should help. As of writing, there do not appear to be any active leads.

There are not any active downtown property initiatives at the moment.

The DDA is also taking the lead on Holland Square, which is a candidate for a future crowdfunding program. Please see the dedicated section below.

✓ **TAX REVERTED PROPERTY USE (No Change of Status)**

The owners may approach the city council directly on this matter. I spoke to them after the last June meeting and indicated that there was not much appetite to sell, especially at the stated offer. They asked what the council might accept. I advised them to engage in conversation directly if they wanted timely and accurate information in this regard. The previous report follows.

Concerning previously acquired property, the Wade Street property that the city acquired on the corner of Second Street is in the flood plain. J.W. Morgan was looking at it, but they have their hands full elsewhere, and this is a marginal site. I think we should consider looking to sell the property to a neighbor or having a home built ourselves.

As it happens, the neighbor to the west called and expressed interest in buying this to add to their homesite. I made an inquiry of the assessor to determine its value. She indicated that it would be worth \$15,000 but for the floodplain. She feels \$5,000 to \$6,000 would be fair given the floodplain building requirements. I relayed this to the neighbor, and I received an email reply from them. They offer \$3,000 cash to purchase this lot.

I am not sure if the council wishes to formally entertain this offer as-is or to perhaps counter. The council could also have the planning commission and/or DDA make a recommendation regarding the disposition of this lot to a neighbor. This is not being placed on the agenda at this time, but if any council member believes this offer is worth considering it is probably worth discussion. Let me know.

✓ **CDBG (Update)**

The contractor is going to proceed with sidewalk work in the qualifying downtown area. This will include connectors to Mclain and School from the trail. It will also include some repair work in the vicinity. The GCMPC has approved additional sidewalk work in the area without the need to bid or approve through council, as long as it is within the budget. There may be one or two more spots we can perform work, but it will not be much.

In addition to this, there are some gaps that we can fill in (Hayes, Ingalls, Mclain, School). I will work with the GCMPC to add these items in so we can spend as much of the CDBG funds as possible, based upon the discussion at the July 8 council meeting. The remaining funds can then be assigned to the senior center.

In other news, the full applications for the next cycle (2025-2027) have been submitted. This includes senior services and downtown decorative lighting. Since we have had so many issues getting bids on CDBG work, the decorative lighting was chosen, in part, because Consumers Energy is a sole-source provider that is exempt from many of the federal requirements. This should create less issues in making use of future funds.

✓ **DISC GOLF (No Change of Status)**

Shattered Chains held another volunteering event during the weekend of Hometown Days. They had some equipment donated for temporary use, so they were able to clear drains, add culverts, and tackle other grading issues. They are also in the final phases of getting tee pads installed and fairways mowed!

✓ **PAVILION COMMITMENT/GRANTS (No Change of Status)**



We have great news! We met with the other communities that are receiving federal funding through Kildee's office, as well as the Genesee County Metropolitan Planning Commission, and Genesee County Parks. After discussion, it was agreed to split the \$850,000 evenly, making our share \$283,333.33. This is great news and feeds into our other grant application!

Our grant writer has submitted another application for Otterburn Park. See the March 11, 2024 packet for details. The project now includes a pavilion, restrooms, a path, bike station, gates, sign, and ADA parking. The estimated total cost is \$600,000. This concept includes all original work items, excluding the disc golf and sledding hill (now complete), as well as a secondary pavilion on the far north of the site, which is not affordable.

✓ **SPEEDING AND TRAFFIC CONTROL** (*Update*)

We are going to mark Ingalls with the new scheme as soon as possible. Some of the markings for "25 MPH" and "30 MPH" are in various locations across the city. Combined with our other efforts, we expect this will help create more awareness and help to reduce speeds.

Note that both the contractor and staff find the stencils to be a bit small. We are ordering professional stencils that we can use in perpetuity. We will apply these in other areas. If the update appears dramatic and positive, we will likely black out and paint over the existing markings.

✓ **FIBER INSTALLATION** (*No Change of Status*)

Fiber installation continues across the city. We have been working with Verizon on some issues related to restoration. In doing so, we have found a good contact that has been very responsive to specific issues with the fiber installation, older assets of Verizon, and general quality control. This service will provide the community with valuable high-speed service, as well as the potential for enhanced 5G.

✓ **SOLAR SYSTEM MODEL** (*No Change of Status*)

We are looking at final sign copies for all signs. This should be in by fall. See the April 8, 2024 council packet for more details.

✓ **CROSS CONNECTION SHUT OFFS** (*No Change of Status*)

Much progress has been made since the residential cross connection inspection program inception. However, a number of homes have not had the opportunity to comply, and some are still hesitant to comply. We have renewed the program for another two years and hope to get through most of the units by the end. Some will likely not comply without a turn off, but that is a last resort.

As previously noted, we have postponed imminent shut-offs and the related hearings before the city council. I have concerns that there are not enough inspection slots for all outstanding inspections to sign up, making the process impossible to complete for all users. We are going to consider the matter in the coming months to come up with a long term strategy that is predictable, fair, and productive as it relates to getting compliance with the residential cross connection inspections.

This is not something we wish to be pursuing, but the expectations for cross connection are objective and reasonable.

✓ **SENIOR CENTER ARPA WINDFALL** *(No Change of Status)*

The senior center submitted an application to use the \$100,000 in additional ARPA funds in late June. They are proposing to buy a 14-passenger bus for \$120,000 to \$135,000. See the March 11, 2024 report for more details on this award and process.

✓ **SUPPLEMENTAL FINANCIAL SERVICES** *(Update)*

So far, we appear to be operating efficiently as we complete year-end duties and prepare for the audit. For the fiscal year ended 6.30.2024 we have started the following tasks:

- Working together to complete new internal control PACE forms that are required for this year's audit.
- Preparing for the city's single audit that will begin the week of August 12<sup>th</sup>.
- Completing a draft SEFA form that will be used for the single audit.
- Reconciling all general ledger accounts that will be used during the single audit period.

The previous report follows.

We are working with supplemental financial services as provided by Kim Lynch for another three months. This will take us through September. I expect to come back to council in early September to review the situation. As things stand today, I believe that supplemental services will be a part of our administrative service indefinitely. This is due to the retiring of Mrs. Olger, and the division of her duties among current staff.

✓ **WAYFINDING PROJECT** *(No Change of Status)*

The wayfinding agreement has been executed by the DDA, the MEDC grant has been fully executed. Guide Studio will be in town on July 30<sup>th</sup> and 31<sup>st</sup>. They will meet with staff and the steering committee to go over needs, take comments, and tour the community. The previous report follows.

The DDA, in accordance with their planning documents, is pursuing a wayfinding and branding sign plan for the entire city. The city council formed a steering committee to proceed with engaging in professional services to plan a complete wayfinding sign scheme. Any installations are likely to be phased in over many years and include DDA and city general funds.

The city council will still have final say in any signs purchased and installed on city property or in the right of way.

✓ **SOCIAL DISTRICT** *(No Change of Status)*

The DDA had a discussion about the potential for a social district in the downtown area. There is some potential for this to have a positive impact by attracting events and visitors to encourage commerce and desirable activities in the community. There is also the potential for this to generate undesirable nonsense, bad behavior, litter, etc. The DDA did not act on this. They intend to independently consider how a district might impact the community, be received by the residents, and support businesses. See the April 8, 2024 packet for more details.



- ✓ **GROUND MOUNTED SOLAR EQUIPMENT MORATORIUM** *(No Change of Status)*  
The moratorium on ground mounted solar equipment will be effective on May 2<sup>nd</sup>. This will provide the city with 180 days to draft an ordinance to accommodate such primary and accessory uses in the city. Much of the impetus for this comes from pending state legislation that will eliminate local control over large scale solar farms. See the April 8 city council packet for more details.

- ✓ **WATER TOWER LEASE AGREEMENT** *(No Change of Status)*  
As most in the community are aware, Verizon appears to be having wireless connectivity issues in the west side of town, from about the High School to Winchester Woods. This problem was so bad for us, that we switched carriers. Verizon has been working on a solution for a couple years, including the search for space south of town for a new tower.

They have approached the city to use the water tower. I think this is a win-win. Using the city tower will greatly improve service to the community, while providing some financial resources to the city. Since the tower is used by two wireless providers currently, this request will be treated as a colocation. This means that the city will be responsible for approving the site plan at the planning commission level for a permitted use, as well as a lease for occupancy.

As of writing, there is not a site plan available, but I do have a draft lease (included in the April 8, 2024 packet). I am attempting to increase the lease amount, as well as to get a site plan to both the planning commission (for site plan review), as well as to the council (for general review) as soon as possible.

Again, I think this will shape up to be a win-win, provided the city does not need to invest in the site and the user is not installing obnoxious equipment. We will have more information related to such circumstances moving forward.

- ✓ **HOLLAND SQUARE CROWDFUNDING PROJECT** *(Update)*  
Samantha has secured an additional \$75,000 in grant funds. This will make the powering of the structure, along with lighting and sound, a reality! The grant is through MSHDA and will likely require further review by the city council in the form of a grant agreement. As of writing, the project is still being reviewed by the committee and we await updated costs and plans for the structure and technology components. The previous report follows.

The Holland Square Steering Committee met on May 30<sup>th</sup>. We believe we explored many opportunities and areas of concern to narrow in on what appears to be the most viable and desirable project. The concept remains the same, but there have been some additions relating to power, lighting, sound, and architectural style. The architect and contractor are working on renderings now.

Our community continues to pursue a crowd funding match for a public place enhancement. The Public Places, Community Spaces opportunity is a powerful incentive and can provide up to \$50,000 towards a downtown project (perhaps as much as \$75,000 if it includes universal design)!

The DDA believes that the primary objective for such funds is to invest in Holland Square to provide built-in structures for community seating, vending, entertainment, and related

activities. There are a couple examples of this already that seem to work well in public spaces. Such a concept would activate Holland Square along Miller Road by providing social interactions, market activities, and some recreation. It would also include lighting, sound systems, and some shade/weather protection. Parking would be reduced but only minimally.

Over the last year, the DDA has worked with a local architect (thanks AMA Architects for the in-kind work), and a local builder (thanks JW Morgan) to refine a design, materials, and cost. This has resulted in concept plans for a pergola style structure, with a total base installation price of about \$150,000. With the addition of the grant, we expect the project to total around \$225,000.

The city council created a steering committee to finalize project details for review by the city. The council will have the final say in any structure constructed on city property.

✓ **WEBSITE ACCESSIBILITY (Update)**

Web Matters is on the case and they have some work completed that looks great. Of course, nothing is live yet. I will keep the city council informed regarding the creation of a new website and the transfer of our data.

✓ **MDOT PARK AND RIDE (No Change of Status)**

The MDOT is renewing all of their agreements for trunkline maintenance. Generally these apply to county road agencies and cities that have M-roads and interstate maintenance responsibility. For us, it also applies to the park and ride on Miller, east of I-69. We maintain this lot as it relates to snow/ice removal, waste collection, and mowing. The state pays the city up to \$5,000 for this service. We generally spend a bit more, but there is not really an alternative to keeping the area in reasonable condition. At any rate, we submitted preliminary information to the state so they can draft an agreement. I expect this to be before the council within 30 days.

✓ **MERS ACTUARIAL (Update)**

I have a meeting scheduled for July 24<sup>th</sup> with MERS. The previous report follows.

I have reached out to MERS to schedule a consultation regarding their actuarial. I am requesting a presentation to the city council on the data, especially the new “Dedicated Gains” policy. I am also seeking more information on their relative performance as a retirement portfolio investment manager. I will pass along information as I get it, and I am actively working to bring the discussion directly to the city council.

✓ **OTHER COMMUNICATIONS & HAPPENINGS (See Individual Category)**

✓ **MONTHLY REPORTS (Update)**

Monthly reports are included.

✓ **BOARDS & COMMISSIONS (See Individual Category)**

✓ **PLANNING COMMISSION (Business Item)**

The planning commission met on July 9th, one week later than normal due to the holiday. This meeting functioned as a public hearing for the lighting ordinance. The commission has been refining some minor changes to this ordinance since spring in

order to strengthen the ordinance as it relates to LED use in existing fixtures, offsite glare, and some other new technologies. The amendments to the ordinance are minor but necessary.

I am including a marked version of the ordinance in the packet so changes can be observed. A clean copy of the ordinance as recommended is included in resolution form. After review, the planning commission voted to recommend approval of the ordinance as submitted. I support this recommendation.

A moratorium for ground based solar installations remains. This gives the community 180 days to consider regulations for ground based solar applications and permits. We will monitor state legislation and look to see how best to proceed this summer and into fall.

The next regular meeting is scheduled for August 6, 2024. As of writing, there is not any business to discuss.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY (Update)**

The DDA met on July 11<sup>th</sup> for their annual meeting. We were scheduled to hold our annual meeting in June, but we were not able to get a quorum of members present. The board selected officers and retained the same slate of folks for the coming year (Beedy for chair, Jesme for vice-chair, and King for secretary).

The board also discussed and supported a few new spending concepts. One is the extension of the façade program to include cost sharing for right of way/streetscape improvements. The other was to support a potential forestry project on Morrish, between I69 and Fortino (this would include the planting of about 30 medium canopy trees in the right of way).

Though there is not any new business, they are scheduled to meet on August 8.

✓ **ZONING BOARD OF APPEALS (Update)**

In lieu of meeting, I have been sending out some training and/or update materials for our ZBA members to review. The previous report follows.

The ZBA met on April 17<sup>th</sup> for their annual organizational meeting. They selected officers, with James Packer being Chair, John Gilbert being Vice Chair, and Ron Smith being Secretary. We also discussed current events and training. There are no variances, interpretations, or appeals in process. This group meets the third Wednesday of each month at 6pm, as needed.

✓ **PARKS AND RECREATION COMMISSION (Business Item)**

The park board met on July 16<sup>th</sup>. The board was updated on current happenings. These include bids for fencing, repair to Elms Park pavilion #3, waste bin purchases, bench installations, and the grant submission for Otterburn.

The board is seeking to hold a community outreach event on September 21, 2024 at Holland Square. They will be looking to secure use of this space from the council for

that afternoon. It sounds like events will include family-friendly games activities, and general outreach by volunteers.

The park board considered starting a judged Halloween decorating contest this year. Initial conversation indicates that this will be similar to the Christmas contest, with four districts to be reviewed, signs for winners, and the potential for a 'goodie box' of donated local products for winners. This will be back on the August agenda for consideration.

The board also reviewed some of the finer details for the Abrams Park restoration of the construction staging area. The concept of replacing the paved cul-de-sac with an aggregate (asphalt millings) parking surface remains. Ultimately, they opted to keep the lot small (60x60 feet), with a 30 foot entrance drive.

Lastly, the Friends of Abrams Park group proposes to donate a new flag reflection area at Abrams Park, near Daval Drive. This feature is to replace the current flag, which is in rough shape. The park board reviewed the submitted work scope and rendering of the proposal. They recommend approval of the flag reflection area as submitted. I am including the supporting materials and a resolution to proceed.

The 2024 slip and slide date is Saturday, July 27, 2024. Shattered Chains is going to run this event again.

Samantha Fountain has resigned from the Park Board, leaving a vacancy.

The next regular meeting is scheduled for August 20, 2024.

✓ **BOARD OF REVIEW (Update)**

The Board of Review met on July 16th. They recapped (reversed an uncapping) of taxable value for one petitioner's property. They will meet next in December.

✓ **CLERK'S OFFICE/ELECTION UPDATE (Kraft) (Update)**

Routine duties include record management, publications, FOIA request, human resources, payroll approval and everything related to elections.

**ELECTION DATES FOR 2024:**

Primary Election: August 6, 2024 – Early Voting dates for the primary are July 27 – August 4 from 8:00am – 4:00pm.

General Election: November 5, 2024 – Early Voting dates for the general election are October 26 – November 3 from 8:00am – 4:00pm.

Reimbursement funds for the Presidential Primary on February 27 were secured in the amount of \$22,118.44... \$3 shy of what I asked for.

I was able to secure additional election equipment for early voting through another grant. The equipment received totals around \$11,000.

✓ **DEPARTMENT OF COMMUNITY SERVICES UPDATE (Bincsik) (Update)**

- ❑ DPS continues to GPS water and sewer assets. This will be ongoing for most of the year as we have time available.
- ❑ All water main work, concrete and storm sewer work is completed in the village. Asphalt base layers are completed with the exception of a small section on Winshall and Cappy, Greenleaf south of Oakview and Norbury. Restoration has resumed on Winshall. Winshall should be completed by the time you are reading this.
- ❑ Road striping is completed. The vendor still has some of the hand painting to finish including bike path symbols and on road speed limit paintings. Contractor is supposed to paint Seymour Rd. in the near future as most of the heavy construction traffic is now behind us.
- ❑ DPS continues to update water meter transponders, registers and meters as needed to allow the new meter reading collectors to read meters. This will be ongoing for several months.
- ❑ TG Priehs will be returning later in the construction season to work on Young drive and finish some ditching and culvert work on Oakview and Chesterfield.
- ❑ Sewer cleaning has been completed and we have received some video. Contractor will be coming back to cut several protruding laterals found in the main when televised.
- ❑ The #3 pavilion repair at Elm's Park has started. Pavilion is sitting back on the new posts and is awaiting the concrete slab to be poured.
- ❑ Hydrant blasting and painting has started and will continue for the next couple of weeks. Contractor has a problem with their blaster and will continue as soon as repairs are completed.

✓ **TREASURER UPDATE (Nichols)**

The 2024 tax notices have been mailed and payments have been coming in. Preparations continue for the FY24 audit. Routine operations include, but are not limited to, processing payments for utility bills, tax bills, delinquent personal and qualified real taxes, building permits, daily/weekly/monthly journal entries, bank wires, review/approval of accounts payable invoices, issuance of building permits and rental inspection collections, processing payroll, accounting for grants and projects and other financial matters impacting the city.

✓ **ECONOMIC DEVELOPMENT UPDATE (Fountain) (Update)**

We were finally able to have the first Family Movie Night of the year on 7/12 – Trolls Band Together. We had over 150 people attend! We had an ice cream bicycle/cart, lemonade stand, balloon guy, face painter, and the inflatable obstacle course. Hometown Days volunteered to help with setup and tear down, which was extremely helpful. Overall, it was a great event and I'm hopeful the rest of the season will be just as good.

I connected with the Flint and Genesee Economic Alliance a few times recently and discussed doing some business retention visits together. We may invite the business development manager from the MEDC for our region to a few of those as well. I am hoping to start getting those scheduled soon.

We also recently found out that the rehab of the future home of Bella's Book Nook & Café has been stalled multiple times because of issues with Consumers Energy. It sounds like this will be resolved soon, and the building owners will be able to finish making necessary updates soon. After that, Bella's Book Nook & Café will be able to get in there and get their business ready to open.

Our Wayfinding Assessment begins on July 30<sup>th</sup> with a Discovery Workshop. This will help the Guide Studio team identify areas that would benefit from wayfinding signage and bring cohesion to the city's branding/ identity as well.

Adam and I have worked with our RRC planner at MEDC to ensure that everything has been accomplished and submitted for recertification. That is all done now.

The Jeepers Creekers Makers Markets continue to go well. They are the 2<sup>nd</sup> Tuesday of each month this summer August 13<sup>th</sup>, and Sept. 10<sup>th</sup>, in addition to the market held on Saturday, Oct. 19<sup>th</sup> with the rest of the Jeepers Creekers Halloween activities. They are noticing a real lack in sponsors and volunteers for this year already. If you know of any organizations or businesses that would be interested, please contact me for more information.

## **NEW BUSINESS / PROJECTED ISSUES & PROJECTS**

### ✓ **FENCE BIDS** (*Business Item*)

We solicited quotes to install some fencing for the new pickleball courts, as well as to conduct general fence repair for the Elms Park backstop and Elms tennis courts. We received two bids, from RMD Holdings, LTD and Michigan Fence Co. Michigan Fence is the lower by about \$4,500, coming in at \$28,150. The work has been budgeted and prioritized for completion this year. Since we have had a good working relationship with Michigan Fence in the past, I see no reason not to select them.

I am including the bid tab and the complete bid from Michigan Fence, as well as a resolution to proceed. Note that the bids were extended by one week in order to ensure greater involvement by bidders.

### ✓ **8006 MILLER ROAD ALLEY** (*Business Item*)

The one-year extension for the alley use by S&K Hometown Pub will expire on August 28, 2024. They seek another extension for one year. The owners have added a gate to adjoin the business to the east, as required by the last conditional approval.

There has not been any substantial change to this site since the last approval. The owners continue to indicate a desire to invest more into this area to make it a larger function of their business. I encourage council members to visit the site. The patio has been in place for about four years and seems to function well overall, considering all pros and cons.

Given the desire of our community to pursue expansion and retention of outdoor dining and related activities, as well as the apparent need to continue to have outdoor service as an option in the industry, I recommend we proceed with another extension.

I am including a resolution in the affirmative. Conditions of use are proposed to remain the same, including the condition that the city has the right to access the entirety of the site and will not be responsible for damage to any furnishings, deck space, or other constructs and materials.



In the long run, we might consider various means to transfer all or part of the ownership and maintenance responsibilities through a formal lease or similar instrument. I have been pushing for a longer-term solution with more formal conditions.

✓ **METRO POLICE CIVIL ACTION (Update)**

The City of Swartz Creek has been delivered a summons in a case involving officers of the Metro Police Department of Genesee County, an officer of the City of Linden Police Department, the Metro Police Department of Genesee County, Mundy Township, and the City of Linden. The case is a US District Court civil case arising out of an arrest that occurred in January of 2023.

I do not have the facts surrounding this case, but it generally surrounds allegations of inappropriate policing methods during the arrest. We have presumably been added to this lawsuit because of our affiliation with Metro PD. It is the opinion of city attorney, Mike Gildner, that the city should not be a party to the lawsuit. He has asked the plaintiffs attorney to dismiss the city from the case, and he believes we are within our rights to seek sanctions for improperly naming the city as a defendant (his letter is attached). As of writing, the city HAS been dismissed. I am including this communication as well.

Although this appears to be resolved from our standpoint, such a summons is not something to take lightly. I will therefore provide hardcopies of the summons to council members so they are informed. I have no reason to believe the city will be a party to this or in any significant way impacted at this point.

**Council Questions, Inquiries, Requests, Comments, and Notes**

*Council Chamber Sound:* Installation is expected to occur prior to our meeting. I expect to be able to clear up the background noise/interference at the same time.

**City of Swartz Creek  
RESOLUTIONS  
Regular Council Meeting, Monday, July 22, 2024, 7:00 P.M.**

**Motion No. 240722-4A**                      **MINUTES – July 8, 2024**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, July 8, 2024, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 240722-5A**                      **AGENDA APPROVAL – July 22, 2024**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of July 22, 2024, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 240722-6A**                      **CITY MANAGER’S REPORT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council accept the City Manager’s Report of July 22, 2024 including reports and communications, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 240722-8A**                      **RESOLUTION TO APPROVE FENCE INSTALLATION AND REPAIR BIDS**

Motion by Councilmember: \_\_\_\_\_

**WHEREAS**, the city maintains a system of parks, including grounds and active recreational facilities; and



**WHEREAS**, fencing repairs and the addition of fencing partitions have been identified as essential maintenance and upgrades within the park system; and

**WHEREAS**, the city solicited sealed bids related to the completion of said work; and

**WHEREAS**, the low bid was submitted in the amount of \$28,150 by Michigan Fence Co, a company found to be in good standing by the city.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the bid from Michigan Fence Co as included in the July 22, 2024 packet, including a 10% contingency for unforeseen or additional related repairs.

**BE IT FURTHER RESOLVED** the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund as appropriate.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 240722-8B                      RESOLUTION TO AMEND ZONING APPENDIX A SECTION 19: LIGHTING STANDARDS**

Motion by Planning Commission Member: \_\_\_\_\_

**WHEREAS**, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

**WHEREAS**, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on July 9, 2024, and;

**WHEREAS**, the planning commission, at a public hearing at their meeting on July 9, 2024 and in reviewing the criteria in Zoning Ordinance Section 24.02, found the proposed zoning ordinance amendments to be in the best interest of the public and recommended approval to the city council, and;

**WHEREAS**, the city council concurs with the findings of the planning commission and finds the amendment to be in the best interest of the city.

**THEREFORE, I MOVE** the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 467**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Amend Section 19: Lighting Standards

## THE CITY OF SWARTZ CREEK ORDAINS:

### Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby Removes Section 19 to the Code of Ordinances of Appendix A and replaces it with Section 19 as follows:

## **ARTICLE 19. LIGHTING STANDARDS**

### **Section 19.00. Purpose.**

The purpose of this article is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; prevent glare from light fixtures onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

### **Section 19.01. Applicability.**

The standards in this article shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The building official/zoning administrator may review any building or site to determine compliance with the requirements under this article. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the city, the applicant shall submit sufficient information to enable the building official/zoning administrator and/or planning commission to determine whether the proposed lighting complies with this article.

### **Section 19.02. Lighting definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *Canopy structure* means any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. *Flood or spot light* means any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. *Glare* means a direct light emitted by a light fixture, lamp, luminous tube lighting or other light source.
- D. *Lamp* means the component of the luminaire that produces the actual light including luminous tube lighting.
- E. *Light fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- F. *Light pollution* means an artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- G. *Light trespass* means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

- H. *Luminaire* means the complete lighting system including the lamp and light fixture.
- I. *Luminous tube lighting* means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- J. *Outdoor light fixtures* means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- K. *Shielded fixture* means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.
- L. *Light Fixture, fixed* means either a pole- or building-mounted fixture that is permanently directed downward, shielded, and cannot be adjusted at an angle.
- M. *Accessory String Lighting* means clear "Edison Style" string lighting in commercial or residential districts used for roof-top, porch, patio or deck for ambiance enhancement lighting that meet all other lighting and locational requirements of the ordinance.

**Section 19.03. Submittal requirements.**

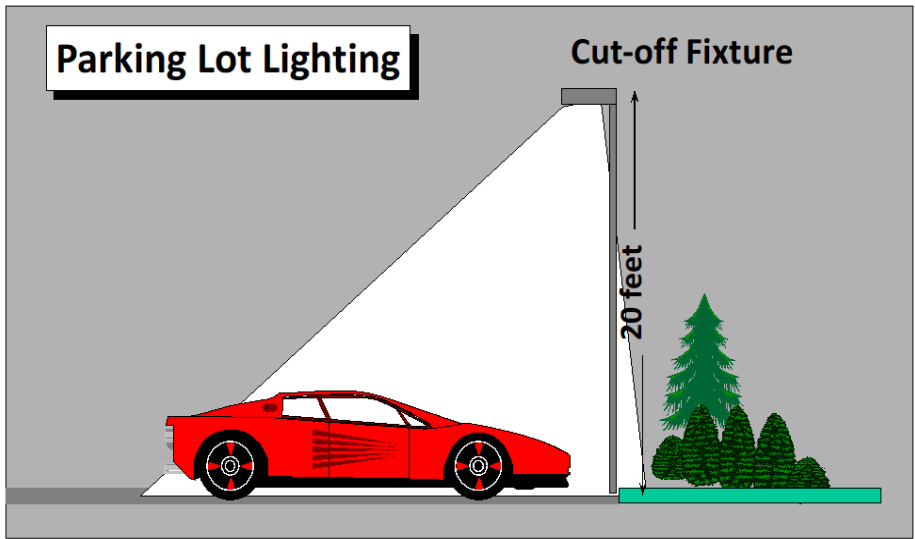
The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the zoning administrator prior to lighting installation:

- A. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
- B. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
- C. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- D. Purpose of the fixture proposed.
- E. Any other information deemed necessary by the zoning administrator to determine compliance with provisions of this article.

**Section 19.04. Lighting standards.**

Unless exempted under section 19.05, Exemptions, all lighting must comply with the following standards:

- A. *Freestanding pole lighting:*
  1. Exterior lighting shall be cut-off, fully shielded, and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of 20 footcandles is permitted within the site but the above standards shall apply to intensity at the property line. In addition, lighting of parking lots should provide illumination adequate for security, typically at an overall intensity ratio of 10 to 1 throughout the site.



CIB Planning

2. Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and minimize "sky glow."
  3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
  4. Lighting fixtures shall not exceed a height of 20 feet measured from the ground level to the centerline of the light source, except that fixtures as high as 30 feet shall be permitted in Industrial Districts. These light fixture height standards shall not apply to public lighting in a road right-of-way.
    - a) The planning commission may modify these height standards in Commercial and Industrial Districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use.
    - b) In no case shall the lighting exceed the maximum building height in the district in which it is located.
  5. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within Commercial, Industrial and Office Zoning Districts shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues.
- B. *Building-mounted lighting:*
1. Building-mounted lighting shall be cut-off, fully shielded, and directed downward to prevent off-site glare. The intensity of light shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted at the property line.
  2. Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
  3. Luminous tube, exposed bulb fluorescent, and LED lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, inside windows, etc. The planning commission may approve internally illuminated

architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

4. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- C. *Window lighting:*
1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
  2. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of the city's sign ordinance.
- D. *Other lighting:*
1. The internal illumination of canopies is prohibited.
  2. Indirect or non-primary illumination of signs, canopies and buildings is permitted provided a maximum 100-watt incandescent bulb, or LED lumen equivalent bulb of no more than 14 watts, is utilized and there is no glare.
  3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
  4. Lighting shall not be of a flashing, moving or intermittent type.

#### **Section 19.05. Exemptions.**

The following are exempt from the lighting requirements of this article, except that the building official/zoning administrator may take steps to eliminate the impact of the below exempted items when deemed necessary to protect the health, safety and welfare of the public:

- A. Sports fields.
- B. Swimming pools.
- C. Holiday decorations.
- D. Window displays without glare.
- E. Shielded pedestrian walkway lighting, including bollard fixtures.
- F. Street lights.
- G. Decorative street lights with internal shields to prevent glare onto adjacent residential properties.
- H. Decorative Exterior String Lights including clear "Edison Style" string lighting in commercial or residential districts used for roof-top, porch, patio, deck specifically as ambiance enhancement lighting that meet all other lighting requirements of the ordinance.

#### **Section 19.06. Lamp or fixture substitution.**

Should any light fixture regulated under this article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for his approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

#### **Section 19.07. Residential lighting.**

Permits are not required for lighting on single-family detached housing, but fixtures cannot create off-site glare on either the roadway or adjacent properties. For security lighting, residents are encouraged to utilize fixtures with motion detectors that only go on when caused by movement in the yard. The Building Official can require existing residential light fixtures to be re-directed or removed altogether if creating off-site glare on adjacent properties.

Section 2. Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 240722-8C**

**RESOLUTION TO APPROVE A TEMPORARY ALLEY USAGE/CLOSURE PERMIT FOR THE ALLEY NORTH OF AND ADJACENT TO 8006, 8010, 8012, 8014 MILLER ROAD**

Motion by Councilmember: \_\_\_\_\_

**WHEREAS**, the City of Swartz Creek enables closure and use of its public streets, plazas, and alleys upon application by a petitioner and approval by the city council; and

**WHEREAS**, the COVID pandemic has had a profound and dynamic impact on the community, including hospitality businesses that cannot provide in-person service, greatly jeopardizing the abilities of these businesses and property owners that rely on this industry; and

**WHEREAS**, grants were made available to enable outdoor dining, including winter service, for those businesses that can pursue this as an option; and

**WHEREAS**, the property at 8006 Miller Road (including 8010, 8012, and 8014 Miller Road) houses two restaurant businesses that are immediately south of and adjacent to the city's public alley; and

**WHEREAS**, this alley is the only accessible space in which to safely accommodate outdoor service for S&K as well as Jamie's Place; and

**WHEREAS**, temporary use of this alley has been granted by the city council for the purposes of outdoor dining at this location, but such use and access has expired; and

**WHEREAS**, public utilities, including water and storm water, exist in the subsurface of the alley.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby authorizes and extends closure and private use, including routine maintenance (waste removal, snow removal, landscaping/weeding maintenance, and general safety) of the city alley north of and adjacent to 8006, 8010, 8012, and 8014 Miller Road for the purpose of food service, including alcohol sales, inclusive of all stipulations and conditions as specified and listed within the original permit and the extension, dated July 10, 2024, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all activities.

**BE IT FURTHER RESOLVED** that the closure and use of said alley shall commence immediately and be valid for one year.

**BE IT FURTHER RESOLVED** that the closure and use of said alley is conditioned upon the retention of the city’s access rights to operate and maintain all public utilities, systems, and appurtenances on and underneath the alley surface.

**BE IT FURTHER RESOLVED** that, as a condition of the permit, the city shall not be responsible for any private, personal property that may be damaged within the alley confines for any reason, including deliberate action by the city to access surface or subsurface utilities.

**BE IT FURTHER RESOLVED** that, as a condition of the permit, the applicant will be responsible for the costs to remove any and all improvements placed upon the alley upon expiration of use permissions, and the applicant shall post a bond or cash escrow with the city in an amount sufficient to financially support such activities.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 240722-8D**

**ABRAMS PARK FLAG POLE DONATION  
ACCEPTANCE**

Motion by Councilmember: \_\_\_\_\_

**WHEREAS**, the City of Swartz Creek owns operates and maintains a system of parks; and

**WHEREAS**, the Friends of Abrams Park has offered to donate a replacement flag pole and reflection area to Abrams Park; and

**WHEREAS**, the Park Board, after deliberation, found the donation of the materials and installation to be in the best interests of the park and approved the donation at their meeting on July 16, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby accepts the Abrams Park flag pole and reflection area donation for Abrams Park, as noted and pictured in the packet, conditioned upon the following:

1. The project shall be overseen by the Director of Public Works and not commence until the ability to ensure project completion is evidenced.
2. The city will own and maintain the structure in a reasonable manner, with eventual replacement or removal dependent on the best interests of the city at a future date.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 240722-11A**

**ADJOURN**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council adjourn the regular council meeting of July 22, 2024.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_



**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE July 08, 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, Walt Melen, Jeff Kelley, Linda Davis Kirksey-Davis Kirksey Associates, Inc..

Others Virtually Attended: Lania Rocha

**APPROVAL OF MINUTES**

**Resolution No. 240708-01 (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 June 24, 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. 240708-02 (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 July 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. 240708-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council accept the City Manager’s Report of July 8, 2024, as amended, 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:**

Walt Melen: Regarding painting of the speed limit on the roads-the font is too small. Questioned if there is a uniformed traffic code for the size and font? Response-No.

**COUNCIL BUSINESS:**

**RESOLUTION TO RENEW A PROFESSIONAL SERVICE AGREEMENT FOR GRANT WRITING SERVICES**

**Resolution No. 240708-04**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Cramer

**WHEREAS**, the City undertakes a number of routine and special projects, many of which are supplemented or are only feasible because of additional state or federal grants; and

**WHEREAS**, the City has had success in acquiring many traditional grant sources that are offered through the state MEDC, MDOT, and DNR; and

**WHEREAS**, the City has obtained a congressional designated spending appropriation and continues to seek state DNR funds to support the build out of Otterburn Park; and

**WHEREAS**, state grants and federal allocations are complex and specific processes that require specialized experience, knowledge, and contacts to successfully administer; and

**WHEREAS**, the City approved a one year proposal from an experienced grant writer that has since had success in getting preliminary congressional designated spending approved for Otterburn Park, as well as engagements on ongoing grants, including the Michigan Department of Natural Resources Trust Fund Grant; and

**WHEREAS**, the federal allocation and DNR Trust Fund grants should be resolved and/or finalized by January of 2025; and

**WHEREAS**, the grant writer, Davis Kirksey Associates, Inc. has submitted a proposal to continue to consult on existing submissions and to work on additional, miscellaneous opportunities for a fee of \$1,000 per month for six months.

**NOW, THEREFORE BE IT RESOLVED** that the Swartz Creek City Council approve the Agreement between the City of Swartz Creek and Davis Kirksey Associates, Inc., as included in the city council packet of July 8, 2024, and further authorizes and directs the Mayor to execute the agreement on behalf of the City.

Discussion Ensued.

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

## **RESOLUTION TO APPROVE A QUOTE TO INSTALL AND REPAIR SIDEWALK USING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**Resolution No. 240708-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek has \$35,721 of Community Development Block Grant Funds to spend on eligible improvements by August 31, 2024; and

**WHEREAS**, the city awarded sidewalk improvements and repairs in the qualifying downtown area on June 24, 2024 in the amount of \$17,500; and

**WHEREAS**, additional qualifying repairs may be authorized by the county, but the total expense is expected to be \$20,000 or less; and

**WHEREAS**, the City of Swartz Creek does not wish to lose the ability to invest CDBG funds into the community; and

**WHEREAS**, senior services as provided by the Swartz Creek Area Senior Center are a qualifying and desirable service for which CDBG funds have been authorized

by the City of Swartz Creek and the Genesee County Metropolitan Planning Commission.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby authorizes and recommends that any surplus funds that are not otherwise able to be utilized for sidewalk repairs be allocated for senior services at the Swartz Creek Area Senior Center.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council hereby authorizes and directs the City Manager or his designee to execute any and all agreements, forms, reports, and related compliance documentation as required to complete this project.

Discussion Ensued.

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

**RESOLUTION TO APPROVE A RESERVATION LETTER WITH THE MICHIGAN STATE HOUSING DEVELOPMENT AGENCY FOR \$75,000 TOWARDS HOLLAND SQUARE**

**Resolution No. 240708-06**

**(Carried)**

Motion by Councilmember Knickerbocker  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek has tentatively been awarded \$75,000 for a public amenity project, Holland Square improvements; and

**WHEREAS**, the Michigan State Housing Development Agency is seeking affirmation of a reservation letter to assign such funds during the remaining grant underwriting process; and

**WHEREAS**, the details of Holland Square improvements are being finalized, with a grant agreement expected in the near future and the improvements scheduled to be completed in 2025; and

**WHEREAS**, the addition of \$75,000 will enable the inclusion of desirable improvements to the project.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby approves the reservation letter from the MSHDA, as included in the July 8, 2024 city council packet.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council hereby authorizes and directs the City Manager or his designee to execute any and all agreements, forms, reports, and related compliance documentation as required to complete this project.

Discussion Ensued.

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

**MEETING OPENED TO THE PUBLIC:**

Lania: The next Marker’s Market is tomorrow night with the theme of “Christmas in July.” Times are 5:00pm-8:00pm.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Knickerbocker: Thanked those that attended the Startz Annual Awards Luncheon. The committee is starting to recognize others in our community that are a valuable asset to Swartz Creek. Condolences to the family of Theresa Rose Mayers, the wife of Vice President of the Chamber of Commerce, Dave Mayers.

Councilmember Gilbert: Regarding parking-the whole lot was full up to the condos, so where are the people supposed to park if they build more condos there. City Manager responded that they can park next to the condos.

Mayor Pro Tem Hicks: She is impressed by the safety officer at the DPW, Becca Bosas. Heard all good things about the last concert. Questioned the Flock camera at the park. City Manager said there are problems and they are being fixed.

Councilmember Spillane: Discussed the concert venue. Tried to book bands that would bring the largest crowds. RVF granted us permission to use the parking lot again. The family that brought a large rock to Abrams Park has also offered to pay for a plaque to be added. The Historical Society would like to make sure that happens, but they will need help repositioning the rock.

Councilmember Cramer: The fire hydrant is being prepped and painted in front of his house. Suggested the city consider a second cemetery in town. It appears that Elms Road Park is getting the lions share of the funding and he would like to see work done at Abrams Park.

Councilmember Henry: Discussed hydrants being painted and questioned who is paying for it. City manager replied it is being split between the contractor and the city.

Mayor Krueger: Noticed the drop box camera. Questioned if we could put one on the light post so we can see who's dropping stuff in the box. Clerk responded that an extra camera could be added if council wants to approve the funding.

**ADJOURNMENT**

**Resolution No. 240708-07**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:10 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Renee Kraft, CMC, MiPMC II, City Clerk**

Board Chair  
David Witter

Chief of Police  
Matthew Bade

Lieutenant  
Michael Murphy

**METRO POLICE AUTHORITY OF GENESEE  
COUNTY**

5420 Hill 23 Drive  
Flint, MI 48507  
(810) 820-2190  
(810) 877-6537-FAX

[information@metropolicegc.org](mailto:information@metropolicegc.org)

Board Members

Cory Bostwick  
Nate Henry  
Rae Lynn Hicks  
Tonya Ketzler  
Vane King  
David Krueger

Metro Police Authority Police Protection Unit Report- Q1 2024

The Swartz Creek Police Protection Unit calculation for Q1, 2024 is as follows:

3155 (hours/PPUs) / 13 weeks = 242 (hours/PPUs) averaged per week.

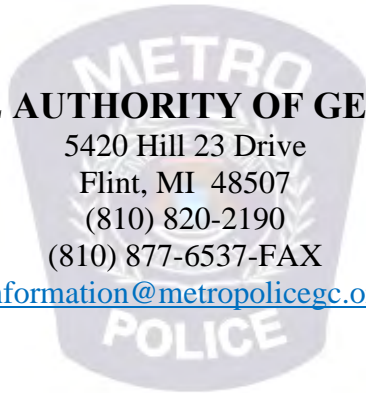
Board Chair  
David Witter

Chief of Police  
Matthew Bade

Lieutenant  
Michael Murphy

## METRO POLICE AUTHORITY OF GENESEE COUNTY

5420 Hill 23 Drive  
Flint, MI 48507  
(810) 820-2190  
(810) 877-6537-FAX  
[information@metropolicegc.org](mailto:information@metropolicegc.org)



### Board Members

Cory Bostwick  
Nate Henry  
Rae Lynn Hicks  
Tonya Ketzler  
Vane King  
David Krueger

### Metro Police Authority Police Protection Unit Report- Q2 2024

The Swartz Creek Police Protection Unit calculation for Q2, 2024 is as follows:

3355 (hours/PPUs) / 13 weeks = 258 (hours/PPUs) averaged per week.



# Metro Police Authority Offense Summary

## For Swartz Creek

Occurred 5/1/2024 - 5/31/2024

Offense	Total Offenses
1298 - 12000 - Attempted Robbery - Armed	1
1301 - 13002 - Aggravated/Felonious Assault - Family - Gun	1
1313 - 13001 - Assault and Battery/Simple Assault	4
2399 - 23007 - Larceny (Other)	2
2901 - 29000 - Damage to Property - Business Property	1
2902 - 29000 - Damage to Property - Private Property	1
3073 - 30002 - Retail Fraud Theft 1st Degree	1
3074 - 30002 - Retail Fraud Theft 2nd Degree	2
3078 - 30002 - Retail Fraud Theft 3rd Degree	1
4803 - 48000 - Making False Report	1
5006 - 50000 - Obstructing Justice	2
8011 - 54001 - Motor Vehicle Accident - Failed to Stop and Identify	1
8174 - 54003 - Traffic - Furnish False Info to Police Officer	1
8271 - 54003 - Traffic - No Operators License	1
8273 - 54003 - Traffic - Driving on Susp/Revoked/Refused License	2
8280 - 54003 - Traffic - No Proof of Insurance	1
8328 - 54003 - Motor Vehicle Violation	2
9910 - 93001 - Traffic, Non-Criminal - Accident	12
9911 - 93002 - Traffic, Non-Criminal - Non-Traffic Accident	4
9913 - 93004 - Traffic, Non-Criminal - Parking Violations	1
9942 - 98006 - Inspections/Investigations - Family Trouble	1
9943 - 98007 - Inspections/Investigations - Suspicious Situations	1
9944 - 98008 - Inspections/Investigations - Lost and Found Prop	1
9948 - 99003 - Miscellaneous - Missing Persons	2
9953 - 99008 - Miscellaneous - General Assistance	3
9954 - 99009 - Miscellaneous - Non-Criminal	1
<b>Total</b>	<b>51</b>

# Metro Police Authority Offense Summary

## For Swartz Creek

Occurred 6/1/2024 - 6/30/2024

Offense	Total Offenses
2305 - 23005 - Larceny - Personal Property from Vehicle	5
2399 - 23007 - Larceny (Other)	1
2609 - 26007 - Fraud - Identity Theft	1
2699 - 26001 - Fraud (Other)	1
2999 - 29000 - Damage to Property (other)	1
3074 - 30002 - Retail Fraud Theft 2nd Degree	1
3078 - 30002 - Retail Fraud Theft 3rd Degree	1
3550 - 35002 - Narcotic Equipment	1
3593 - 35001 - Crack - (Other)	1
4801 - 48000 - Resisting Officer	3
5005 - 50000 - Contempt of Court	1
5006 - 50000 - Obstructing Justice	1
5311 - 53001 - Disorderly Conduct	3
5313 - 63000 - Vagrancy - Curfew	1
8028 - 54002 - Operating with Blood Alcohol Content of .08% or more	1
8072 - 54003 - Traffic - Careless Driving	1
8271 - 54003 - Traffic - No Operators License	1
8273 - 54003 - Traffic - Driving on Susp/Revoked/Refused License	3
8328 - 54003 - Motor Vehicle Violation	1
9910 - 93001 - Traffic, Non-Criminal - Accident	5
9911 - 93002 - Traffic, Non-Criminal - Non-Traffic Accident	3
9944 - 98008 - Inspections/Investigations - Lost and Found Prop	2
9947 - 99002 - Miscellaneous - Natural Death	1
9953 - 99008 - Miscellaneous - General Assistance	2
9954 - 99009 - Miscellaneous - Non-Criminal	3
<b>Total</b>	<b>45</b>

Bids Opened by: Renee [Signature]  
 Time opened: 10:05 am  
 Witnessed by: Jody Key Gady Key  
 Bid Opening: 18  
7/25/24 at 10:30

Bid For: Fog Sealing

Name and Address	Email Address	Phone #	Want Packet	Date sent	Bid Total	Remarks
Fahrer Asphalt Sealers - Troy Carlson	Troy Carlson @ Fahrer	989-751-7680	emailed	7/18/24	no bid	
Highway Maintenance + Construction		734-941-8885			171,560.10	

BID FORM  
 Fog Sealing  
 LOCATED AT 8083  
 SWARTZ CREEK, MICHIGAN

**BID FORM**  
**Fog Sealing Bid**  
**8083 Civic Drive**  
**SWARTZ CREEK, MICHIGAN**

To: The City of Swartz Creek

8083 Civic Drive

Swartz Creek, MI 48473

**BID PRICE**

The Bidder, having visited the site of the proposed work, and having familiarized themselves with local conditions affecting the cost of the work and with the requirements of the Information For Bidders, hereby agree to furnish all the labor, materials and equipment necessary to complete the work as described in the Advertisement and Bid Specification Document within the time set forth therein.

<u>Item</u>	<u>Cost</u>
Mobilization Fee (quantity 1)	\$3,000.00
Fog Sealing Hertiage (23,496 yd <sup>2</sup> )	\$74,012.40
Unit Cost\$ 3.15	
Fog Sealing Otterburn (10,684 yd <sup>2</sup> )	\$33,654.60
Unit Cost\$ 3.15	
Fog Sealing Parkridge (16,474 yd <sup>2</sup> )	\$51,893.10
Unit Cost\$ 3.15	
Crack filling (include estimated amount of lbs of material)	\$6,000.00
for 2500 lbs of crack seal material Unit Cost\$ 6000.00	
Traffic control	\$3,000.00
Project Total	\$171,560.10

\* DUE TO OUR PRESENT WORKLOAD & RAIN THIS YEAR  
 WE HAVE TO POSTPONE THIS TO MAY, 2025.



BID FORM  
Fog Sealing  
LOCATED AT 8083  
SWARTZ CREEK, MICHIGAN

### EXECUTION OF CONTRACT

Upon receipt of the Notice of Award the Bidder agrees to execute an Agreement within ten calendar days.

### WAIVER

The Bidder does hereby represent and warrant that the price in their Bid is a complete and correct statement of the price for the work in said Bid, and further, that all other information given or furnished in this Bid is complete, correct and submitted as intended by them and does hereby waive any right or claim they may now or hereinafter have by reason of errors, mistakes or omissions made by them in said Bid.

### BID NON-COLLUSIVE

The Bidder does hereby represent that their Bid is genuine and not collusive or sham, and that they have not in any manner, directly or indirectly, agreed or colluded with any other person, firm or association to submit a sham Bid or to refrain from bidding or in any way to fix this Bid or that of any other Bidder, or to secure any advantage against The City of Swartz Creek.

The Bidder does hereby represent and warrant that no officer or employee of The City of Swartz Creek is directly or indirectly interested in this Bid or in any Contract which may be made under it, or any expected profits to arise there from.

### PERIOD BID GUARANTEE

The Bidder agrees that their Bid is guaranteed for a period of ninety (90) calendar days after the scheduled closing time for receipt of the Bids.

### TIME OF COMPLETION

If awarded the Contract for the project, the Bidder agrees to complete the entire Work within forty five (45) calendar days from the date of a signed contract.

*\* Due to Present Workload, we cannot complete this work until 2025 \**

### LEGAL STATUS OF BIDDER

The Bidder declares the following legal status: (Check One)

A Corporation organized and existing under the laws of the State of Michigan

A Partnership consisting of the following partners:

BID FORM  
Fog Sealing  
LOCATED AT 8083  
SWARTZ CREEK, MICHIGAN

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An individual doing business as:

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**AUTHORIZED SIGNATURE OF BIDDER**

Firm Name: Highway Maintenance and Construction Company

By:  *JEFFREY S. DEMEK*

Title: President

Business Address: 12101 Wahrman St / PO Box 74411  
(Street)  
Romulus, MI 48174  
(City, State, Zip Code)

**REQUEST FOR BIDS**  
**Fog Sealing**  
**CITY OF SWARTZ CREEK**  
**June 20, 2024**

**Overview**

Swartz Creek is located approximately 7 miles west of downtown Flint, Michigan, near the western edge of Genesee County. The city covers an area of 4.19 mi<sup>2</sup>, maintains approximately 24 miles of roads and has approximately 5500 residents. The City of Swartz Creek is seeking proposals for sealing “urban style” (with curb and gutter) roads using a method of asphalt emulsion, aggregate and asphalt emulsion again. The city may elect to perform some or all of the work in this bid document.

Qualification Requirements

Bids are solicited only from responsible bidders known to be experienced and regularly engaged in work of similar character and scope covered in this Request for Bids (“RFB”). Satisfactory evidence that the bidder has the necessary capital, equipment and personnel to do the work may be required.

Bid Form

Sealed bids must be submitted on the bid forms furnished by the City. All bids must be filled out in ink or type written and shall be legally signed with the complete address of the bidder given thereon. Bidders not responding to all information requested in this RFB may have their bids rejected. The city council reserves the right to reject any and all bids and to accept any bid which in its opinion, is most advantageous to the City. Bids submitted must remain valid for at least ninety (90) days past the response date provided in this RFB.

Response Date

**To be considered, sealed bids must be received at the City offices, 8083 Civic Drive, Swartz Creek, MI 48473, on or before 10:00 a.m. on Thursday, July 11, 2024.** City Hall during the following hours: Monday between 8:00 a.m. and 6:00 p.m., Tuesday and Thursday between 8:00 a.m. and 4:30 p.m., Wednesday between 8:00 a.m. and 4:00 p.m. excluding holidays. Contractors mailing bids should allow adequate delivery time to assure timely receipt of their bids. Sealed envelopes containing bids must be clearly marked on the outside with the contractor’s name and “2024 FOG SEALING.”

Pre-bid Site Review

There isn’t a pre-bid site review scheduled but any interested contractors can inspect the job by following the attached map and route to the location of the compromised storm sewer outfall. After inspection should you have any questions, please feel free to contact Robert Bincsik @ 810 635-4464 during the hours noted above.

### Opening of Bids

All bids received will be publicly opened and read at city hall at or soon after 10:00 a.m. on **Thursday, July 11, 2024**. All bidders are invited to be present if desired.

### Rejection of Bids

The City reserves the right to reject any or all bids, in part or in their entirety, or to waive any information or defect in any bid, or accept any bid which, in its opinion is deemed most advantageous to the city.

### Explanations and Alternate Bids

Explanations desired by a prospective bidder shall be requested of the City in writing, and if explanations are necessary, a reply shall be made in the form of an addendum, a copy of which will be forwarded to each bidder. Every request of such explanations shall be in writing and addressed to: Robert Bincsik, City of Swartz Creek, 8083 Civic Drive, Swartz Creek, MI 48473.

### Contract Execution

The bidder to whom the contract is awarded shall, within ten (10) calendar days after the notice of award, enter into a written contract with the City. Failure to execute a contract will be considered abandonment of the award and the City shall have no further obligation to that bidder.

### Incurring Costs

The City is not liable for any costs incurred by contractors prior to the issuance of the contract.

### Material Submitted

All materials submitted as part of a bid will become the property of the City. The City reserves the right to use any and all ideas presented.

### Scope of Work

Bids shall address, to the greatest extent possible, all possible service delivery impacts, including but not limited to, bid prices, equipment availability, etc., throughout the term of the contract. **The City seeks to have approximately 50,000 yd<sup>2</sup> of “urban style” (having curb and gutter and catch basins) roads sealed.** There are many definitions of sealing and many terms are used interchangeably but are not always clear as to what they refer to. The sealing in this request for bid will consist of applying asphalt emulsion, an aggregate layer and another coating of asphalt emulsion to lock the aggregate in place. For this bid the city is looking to utilize the MDOT “CS-T” small aggregate specification which is included in this bid document (pg.9). Adequate traffic control will be the responsibility of the contractor. In the absence of an appropriation, a contract issued pursuant to this RFB shall be void and of no effect.

### Fog Sealing of Roads

### Definitions



“bids”- shall be defined as an announcement of terms indicating what items are needed to complete a project.

“bidders”-shall be defined as any person(s) or company that attempts to meet the terms of the bid.

“City”- shall mean the City of Swartz Creek.

“contract”- shall mean the contract between the City and the Successful Bidder.

“successful bidder”- shall be defined as the bidder who is chosen by the City Council to enter into contract with the City.

These definitions are meant as guides for understanding and are not binding explanations.

### Description

The successful bidder should possess broad expertise in road maintenance. Including but not limited to overband crack sealing, all types of chip and seal, fog seal, slurry seal, micro paving etc. Successful bidder should be experienced in traffic control and communication with residents. Successful bidder should also have all necessary equipment to complete the job. Services required may include but not be limited to any of the following:

### **For Fog Sealing:**

1. Winning bidder is required to communicate in advance with residents to let them know they will have limited or no access to the road while the work is being performed.
2. Traffic control and signage is the responsibility of the contractor and should be included in the bid price. Traffic control can be provided by means such as cones, arrow boards and signage.
3. All work should meet or exceed the attached specifications.
4. Roads will be crackfilled if necessary, prior to road sealing.
5. Work will be performed in accordance with the attached specification on pg. 9.
6. Please see the attached map for locations on pg. 20.
7. All bidders are expected to develop their own quantities. The quantities that are provided are approximate and may not be accurate.
8. All work should be performed in a manner considered professional and workman like. Worksite and access will be left in a manner similar or improved prior to performing the work.
9. **In Heritage main roads and dead ends will be fog sealed, alley ways will not be fog sealed.**

### **Bidder Qualifications**

A detailed description of the primary contact’s background, as well as the company’s background and previous experience shall be included with the proposal. Background information and experience shall also be submitted for all key personnel that will be working with the City.

In the event that portions of the work are to be subcontracted or a joint affiliation utilized, detail of such affiliation shall be furnished along with the same information as required for the bidder.

## Requirements

- A. Proof of State of Michigan licenses and any other necessary licenses or certifications.
- B. Availability and ability to perform the work and coordinate and schedule the work with others involved on the project.
- C. Ability to communicate and work effectively with the City of Swartz Creek, its officials, administration, staff, and consultants with respect to any of the services required.
- D. Ability to work effectively with public agencies and officials.
- E. Thorough knowledge of the asphalt paving, chip and seal, micro paving and asphalt road maintenance trade and ability to protect the public while the work is being performed.
- F. Ability to meet or exceed the attached specification.
- G. Ability to submit reviews, reports, and inspection results in writing and in a timely manner to the City of Swartz Creek, if so requested.
- H. The successful bidder or their representative shall attend any regular or special meetings, as requested by the City.
- I. Ability to meet or accomplish the following specific project requirements:
  - 1. Successful bidder, at successful bidder's cost, shall secure any necessary permits.
  - 2. As work progresses, carefully clean and keep the project site clean from rubbish and refuse.
  - 3. Remove all rubbish or refuse from the project site daily; no material or debris may be buried on site.
  - 4. Limit hours of operation to Monday through Friday during the hours of 8:00 a.m. to 5:00 p.m. Special hours of operation outside the normal hours must be approved by the City.

## The Proposal

A response to this RFB must outline in detail the manner in which they would work with the City to fulfill the City's needs. The outline at a minimum shall address:

- A. The designation and location of the bidder's primary contact (one point of contact who oversees the project), support staff and the associate personnel, and the overall relationship, which will be established between the bidder and the City. Further, the qualifications and experience of the primary and main secondary contacts should be included within the proposal.
- B. Communicating and coordinating procedures. Each bidder shall include, within their proposal, the pertinent form(s) to be utilized for progress report(s) to the City.
- C. The bidder's capabilities to perform the necessary demolition and clean-up.
- D. The general manner in which work will be performed.
- E. The experience and references for those who will perform work.
- F. Bid should include any cost to obtain necessary permit and materials as to provide compliance with the law and this bid.

### Bidder Responsibility

The City of Swartz Creek will not be liable for any cost incurred in the development of a proposal responsive to this request. By submitting a bid to the work, the bidder represents that it is fully informed concerning the scope of the project, the requirements of the contract, the physical conditions likely encountered in the work, and the character, quality and quantity of the services required by the City. If a bidder desires to do a site visit and tour or otherwise observe the properties and inside of the structures to better inform bidder of the above, bidder must contact the Director of Public Services, Robert Binnsik, through the city office.

The successful bidder shall furnish all labor materials, supplies, devices, or tools needed to perform the required services. The bidder will not be entitled to additional compensation if it later determines that conditions require methods or equipment other than those anticipated in making its bid. In addition, the successful bidder shall provide all vehicles and other equipment and material necessary for work. Bidders having questions regarding this RFB should request clarification prior to submittal of a bid. Negligence or inattention of the bidder in filing a bid, or in any phase of the performance of the work, shall be grounds for refusal of the City to agree to additional compensation. Bidders having questions regarding this RFB shall contact the City for clarification.

### Safety

The successful bidder shall comply with the Safety Rules and Regulations of the Associated General Contractors of America, the Occupational Safety and Health Standards of the Construction Industry, State of Michigan, Department of Energy, Labor & Economic Growth, for the protection of workers on this project.

All equipment and work shall conform to the requirements of the Occupational Safety and Health Act and Michigan Department of Labor Occupational Safety Standards, as amended.

### Assignments or Subcontracting

The successful bidder shall not assign, subcontract or otherwise transfer its duties and/or obligations under this proposal, without prior written consent of the City. If the bidder anticipates that it will need to subcontract its duties in order to fulfill the contract requirements, that information must be disclosed in the bidder's response and subcontractor information (i.e. company name and contact information) shall be included in the bid document.

### Fair Employment Practices

The successful bidder agrees to not discriminate against any employee or applicant for employment, to be hired in the performance of the contract with respect to hire, tenure, term, conditions or privileges of employment, or any other matter directly or indirectly related to employment, because of sex, race, color, religion, national origin, ancestry handicap or any other basis prohibited by state or federal law or regulations.

### Contractor's Payment of Taxes, Permits, Etc.

The successful bidder shall be solely responsible for:

- a. Payment of wages to its work force in compliance with all federal and state laws, including the federal and state wage and hour laws.
- b. Payment of any and all FICA, unemployment contributions and other payroll-related taxes or contributions required to be paid by the successful bidder under state and federal law.
- c. Payment of all applicable federal, state, or municipal taxes, charges or permit fees, whether now in force or subsequently enacted.
- d. Payment of any and all suppliers, merchants or vendors from whom the successful bidder obtains items and materials related to the contract.

The successful bidder shall indemnify and hold the City harmless from all claims arising from the foregoing payment obligations of the successful bidder.

Damage to Persons or Property

The successful bidder also accepts sole responsibility for any damage to any person or damage to public, or private property resulting from their performance of the work, whether based on negligence or any other legal or equitable claim.

The successful bidder will protect, defend and hold harmless, the City from any and all damage, claim liability, or expenses whatsoever, or amounts paid in compromise there of arising out of or connected with the performance of this contract, including those related to the successful bidder's (or its subcontractors') negligence.

Insurance

A. Liability Coverages

1. The Successful Bidder shall furnish at his own expense and keep in full force during the terms of this contract the following coverages which shall list the City as an additional insured:
  - Insurance covering bodily injury in the minimum sum of \$1,000,000 for each occurrence
  - Insurance covering property damage in the minimum sum of \$200,000 for each occurrence, \$100,000 aggregate.
  - Automobile liability insurance in the minimum of \$500,000 combined single limit for bodily injury and property damage.
2. Workers Compensation Compliance

Successful bidder shall also comply with all requirements of the Michigan Workers' Compensation Law and shall at his own expense, maintain such insurance, including employer's liability, as will protect him from claims under said law and from any other claims for personal injuries, including death which may arise from the operations under the contract, whether operations be by himself or anyone directly or indirectly employed by him.

B. Certificates of Insurance



Included in bid package, bidders shall provide the City complete certificates of insurance to meet the above requirements. Policies shall be endorsed to provide the City at least thirty (30) days written notice of reduction, cancellation, or intent not to renew coverages as called for above.

If insurance is canceled, reduced, non-renewed or otherwise is not in effect to the minimum required coverage, the successful bidder must cease work on this bid.

#### C. Submission of Policies and Certificates of Insurance

The successful bidder shall provide the City with a copy of its required insurance policies and certificates of insurance as described above. If the successful bidder does not provide such materials in the time provided for, the successful bidder will be disqualified and the bid will be awarded to the next lowest bidder or in the creation of a new request for bid.

#### Quality of Service

The City expects the successful bidder to maintain all equipment in a clean and well-operating fashion, with special consideration for proper maintenance and care of all elements, items and equipment mentioned in this document. The successful bidder will operate in a professional manner and keep all noise and other nuisances to a minimum at all times while under contract with the City. The successful bidder shall observe city ordinances relating to obstruction of streets, and shall obey all laws and city ordinances controlling or limiting those engaged in the work. The successful bidder shall handle the work in a manner that will cause the least inconvenience and annoyance to the general public and to the property owners. The successful bidder shall file all documents outlined in this RFB in a timely and well-organized manner.

#### Operation of Vehicles

The successful bidder shall operate all company vehicles in a manner so as to not impede traffic flow on city streets. Company vehicles are not to be left unattended for any reason except for emergencies or in the actual performance of the job. When a vehicle is left unattended for the actual performance of the job, it shall be according to city codes and ordinance in place at that time.

#### Support Facilities

Successful bidder shall have sufficient staff and communications facilities to assure ready accessibility and prompt response to the needs of the City.

#### Breach of Contract and City's Right to Terminate Contract

In the event that any of the provisions of this bid and/or resulting contract are breached by the successful bidder, the City shall give written notice to the successful bidder of the breach or pattern of behavior that constitutes the breach and allow the successful bidder to resolve the breach or pattern of behavior that constitutes the breach within ten (10) calendar days of the successful bidder's receipt of notice. If the breach or pattern of behavior is not resolved, then the City manager of the City of Swartz Creek shall have the right to cancel any contract by sending written notice to the successful bidder of cancelation.

If the successful bidder should be judged bankrupt, if it should make a general assignment for the benefit of its creditors, if a receiver should be appointed on account of its insolvency, if it should persistently or repeatedly refuse to supply enough labor, materials and/or equipment to meet the scope of work of the contract, if it should persistently disregard laws of the State of Michigan and/or ordinances of the City, or if it fails to comply and fulfill its obligations under any provision of the contract resulting from its bid, the City may, without prejudice to any other right or remedy, terminate the contract immediately.

If the successful bidder fails to perform or complete the demolition and clean-up of the residential buildings as agreed or otherwise breaches its duties under this bid or the resulting contract, the successful bidder shall be reasonable for any and all costs the City incurs in obtaining satisfactory performance of the project and/or litigation costs and attorney's fees to enforce its rights under the bid and this contract. Such relief shall be in addition to any other legal and equitable remedies available to the City.

#### City's Right to Modify Contract

The City reserves the right to negotiate with the successful bidder for a change in terms of the contract during the term of the contract and to make adjustment relative to the implementation of a change that reduces or modifies the need for the engineering services. If the City and the successful bidder are unable to agree on a revised contract, the City may seek new proposals and, upon a minimum of ten (10) calendar day's written notice from the City, may terminate the unexpired portion of the contract. The City shall not be liable for any cost under this section beyond the contract price for the period where service was actually provided.

#### No Conflict of Interest

The bidder must provide a statement that it has no conflicting financial or professional interests and is qualified to perform the services requested.

#### References

All bidders shall include a list of current and prior projects similar to that proposed in this RFB as references for qualifying experience. The name, address, and telephone numbers of the responsible individual(s) at the reference project site who may be contacted shall be included. Particular attention will be paid to references from other municipalities and/or public sector entities within Genesee, Shiawassee, Livingston and Oakland Counties.

#### Payment

The City shall pay for acceptable work within thirty (30) days of receipt of invoice, except that prior to approval of and final payment for the completion of the project, the successful bidder must thoroughly clear the project site and any other place affected by the work of all debris to the City's satisfaction, in the City's sole discretion.

Specifications

SPECIAL PROVISIONS

BITUMINOUS SURFACE TREATMENT-SINGLE OR DOUBLE CHIPSEAL

Proposals will be received from contractors having a current prequalification with the Michigan Department of Transportation (MDOT) for chipseal or that have performed (3) similar sized projects within the last year.

1 - DESCRIPTION

This work shall consist of one or more applications of bituminous material applied to the prepared surface with each application being covered with either course or fine aggregate before the next application of bituminous material. The work shall be done in accordance with this specification or in accordance with applicable drawings or plans of this contract. Any streets with curb and gutter will be swept by the owner. All traffic control will be included in the unit price for Rural Single Chip Seal, or Urban Single Chip Seal.

2 - CONSTRUCTION EQUIPMENT

All equipment used shall be sufficient size and in such mechanical condition as to produce a satisfactory job.

A. PRESSURE DISTRIBUTORS - The pressure distributor shall have a computerized application rate and speed control. This control shall have a radar ground sensing device that controls the application rate regardless of ground speed or spray bar width. The pressure distributor shall be capable of maintaining the asphalt emulsion at the specified temperature. The spray bar nozzles shall produce a uniform fan spray, and the shutoff shall be instantaneous, with no dripping. Each pressure distributor shall be capable of maintaining the specified application rate within  $\pm 0.015$  gal/syd for each load.

B. AGGREGATE CHIP SPREADER- The aggregate chip spreader shall be self-propelled and have a computerized spread control capable of spreading the cover material uniformly for widths of 1 to 20 feet and have a screen to remove oversized material.

C. COMPACTION EQUIPMENT - Shall be self-propelled, vibratory, rubber tired, three wheel or tandem rollers. Rollers shall weigh not less than 6 ton nor more that 9 ton.

D. MISCELLANEOUS EQUIPMENT - Sufficient equipment for hauling of cover material shall be provided to insure continuance covering of bituminous material, hand tools, thermometers, etc.. Chain link fence drag shall be available for use when required by engineer.



### 3 - MATERIALS AND RATE OF APPLICATION

The materials will meet the following requirements as specified. **Provide an alternate bid price for the use of CRS-2M meeting the specifications as defined in the current MDOT Standard Specifications for Construction.**

All chip seal multi grade asphalt will conform to the following table:

#### CHIP SEAL MULTI GRADE ASPHALT

	CM-90	METHOD OF TEST
Viscosity @ 25°C, 1. Sec.-1, P.	2000-20,000	ASTM D-4957
Flash Point, °C	67+	ASTM D-93
Water % max	1.0-	ASTM D-95
Distillate Test		
Volume % of Total Distillate to 360° C		ASTM D-402-02
To 225° C	0-2	
To 260° C	0-3	
To 316°	10-65	
Residue from Distillate to 360°,min	90	
Volume by Difference		
Test on Residue from Distillation		
Penetration @ 25° C, 100g, 5 sec, dmm.	80-140	ASTM D-5
Ductility at 25°C, cm. min	report	ASTM D 113
Float Test @ 60° C, sec.	1200+	ASTM D-139
Solubility %	99.0+	ASTM D-2042

The successful Contractor will be responsible to provide the above material delivered to the project location on a schedule determined by the Contractor. The contractor shall be responsible for proper heating of asphalt, needed storage facilities and for all truck demurrage charges that are incurred.

2. APPLICATION - The Contractor shall apply the multi grade asphalt at a temperature between 270° F and 300° F for CM-90 and between 160° F and 190° F for CRS-2M, followed by a uniform application of coarse aggregate.

3. MULTI GRADE ASPHALT - Application Rates:

CM-90 shall be within the range of 0.30-0.32 gal/syd for 34-CS and 0.24 ± .1 for CS-T. The JMF target rate for CM-90 shall be 0.31 gal/syd for 34-CS and 0.24 for CS-T.

CRS-2M shall be within the ranager of 0.39-0.44 gal/syd for 34-CS and 0.27-0.30 for CST. The JMF target rate for CRS-2M shall be 0.42 gal/syd for 34-CS and 0.28 for CS-T.

B. BITUMINOUS PRIME COAT - Shall be AE-PB

The prime coat over gravel shall be applied at a rate of 0.20 to 0.30 gallons/syd.

C. Coarse Aggregate

34-CS slag aggregate shall meet the following grading requirements:

GRADING REQUIREMENTS

MTM - 109-95

<u>Sieve Size</u>		<u>Percent Passing</u>
½"	(12.5 mm)	100
3/8"	(9.5 mm)	90 - 100
#4	(4.75 mm)	0 - 10
#8	(2.36 mm)	0 - 5
*#200	(75 mm)	2.0 maximum

\*LBW-Loss by Wash

PHYSICAL REQUIREMENTS

<u>TEST</u>	<u>DESCRIPTION</u>	<u>SPECIFICATION</u>
MTM - 102	L.A. Abrasion Resistance	45% Max.
MTM - 117	Percentage of Crushed Particles	95% Min.
*MTM - 110	Deleterious Particles in Aggregate	3.5% max.

\*Includes the sum of shale, siltstone, structurally weak and clay-ironstone particles

1. First application (bottom layer) shall be applied at 16 to 18 pounds per sq. yd.
2. Second application (top layer) shall be applied at 18 to 20 pounds per sq. yd.

34CS natural aggregate shall meet the following grading requirements:

GRADING REQUIREMENTS MDOT 34CS

(Page 752 2012 MDOT Standard Specifications for Construction)

<u>Sieve Size</u>	<u>Percent Passing</u>
1/2"	100
3/8"	90 - 100
#4	0 - 10
#8	0 - 5
#200	2.0 maximum

PHYSICAL REQUIREMENTS

<u>TEST</u>	<u>DESCRIPTION</u>	<u>SPECIFICATION</u>
MTM - 102	L.A. Abrasion Resistance	35% Max.

MTM - 117	Percentage of Crushed Particles	95% Min.
*MTM - 110	Deleterious Particles in Aggregate	3.5% Max.
MTM-112	Aggregate Wear Index	260 Min.
ASTM-D 4791	Flat & Elongated	12% Max.

\*Includes the sum of shale, siltstone, structurally weak and clay-ironstone particles

CS-T

<u>Sieve Size</u>	<u>Percent Passing</u>
3/8"	100
1/4"	85 - 100
#8	0 - 15
#20 (Loss by wash)	2.0 maximum

PHYSICAL REQUIREMENTS

<u>TEST</u>	<u>DESCRIPTION</u>	<u>SPECIFICATION</u>
MTM - 102	L.A. Abrasion Resistance	35% Max.
MTM - 117	Percentage of Crushed Particles	100% Min.
MTM - 110	Deleterious Particles in Aggregate	3.5% Max.
MTM - 111	Aggregate Wear Index	>260
Moisture Content		4%

4 - PREPARATION: Work required on existing surface such as base repair and patching shall be done by the owner.

5 - CONSTRUCTION:

EXISTING SURFACE - The bituminous material shall be applied at the rate specified immediately followed by the self-propelled chipper covering the bituminous material with aggregate. In no instance shall the chipper be more than 400 ft. behind the distributor. The aggregate should be compacted into the bituminous material by a self-propelled roller

directly behind the chipper. At no time shall the aggregate cover material be left unrolled for more than 10 minutes. The second application shall be applied as soon as it can reasonably be expected.

**6 - WEATHER LIMITATIONS:**

No bituminous material shall be applied during rainy weather or when the air temperature in the shade is less than 50 F. and rising except by the approval of the Engineer.

**7 - METHOD OF MEASUREMENT:**

Field measurements of the areas seal coated in square yards shall be determined by the engineer in the presence of the contractor and or with his concurrence.

**8 - BASIS OF PAYMENT:**

Single or Double chipseal will be paid for at the contract price per square yard, (as described above) which price shall be payment in full for furnishing, heating, hauling and applying the bituminous material, furnishing, hauling and placing the cover material, dragging, rolling, replacing disturbed material; maintaining traffic and constructing the surface complete. A double seal coat will be paid for as two "single seal coats". Urban unit prices will be used for those locations requiring pick up sweeping.

**FOG COAT SPECIFICATIONS**

**Description:**

A fog coat is a light application ( $\pm 0.15$  gal/syd) to an existing surface of a slow-setting asphalt emulsion diluted with water, similar to a tack coat, and applied at the required application rate. The application locations will be as shown in the plans, specifications or as directed by the Engineer. All traffic control will be included in the unit price for Rural Fog Coat or Urban Fog Coat.

**Materials:**

Bituminous Materials shall conform to the following:

Emulsified Asphalt SS-1h, CSS-1h

Equipment:

1. A properly calibrated emulsion distributor or a hand sprayer shall be used for spraying emulsions. ASTM D2995 can be used for distributor calibration. The distributor shall be free of any contaminants which can harm the emulsion. A pump for circulation of emulsion through the spray bar shall be provided. Pumps should have clearance of at least 0.030 in. to prevent over-shearing. Pressure created within the distributor should be as low as possible. Heat applied to the tank or spray bar shall not exceed 185°F at any point.
2. Recommended spray nozzle sizes are 1/8 to 3/16 inch. Spray nozzle angles and spray bar height should be adjusted to produce correct overlap. A hand sprayer should be used for applying small amounts of fog seal to small areas which cannot be sprayed by the distributor.

Construction Methods:

1. Before the application of fog coat the Contractor shall clean the surfaces.
2. The Contractor shall furnish and apply the fog seal materials per the following requirements:

% Original Emulsion	Dilution	Tight Surface*	Open Surface**
	Rate	gal/sq.yd	gal/sq.yd.
50	1:1	0.03-0.11	0.09-0.22

\* A tight surface is a low absorbance and relatively smooth

\*\* An open surface is relatively porous and absorbent with open voids

The material shall be mixed at the plant and delivered at 140-185°F.

3. Upon over application and at the discretion of the supervising Engineer, a light cover of clean, fine sand may be applied onto the uncured fog seal.
4. The fog coat should be allowed to completely cure before opening to traffic.

Basis of Payment

Bituminous material will be measured by the number of gallons used in the accepted work, as determined by the Engineer, at the temperature of application.

Fog Coat will be paid at the Contract unit price per gallon and shall be full compensation for all work, materials, labor, and incidentals required to complete the work in accordance with the plans and specifications. All traffic control will be included in the unit price for this item.

**OVERBAND CRACK SEALING SPECIFICATION**

A. DESCRIPTION: This work consists of furnishing all labor, equipment, and materials necessary for application of a **field blended** fiberized joint and crack sealant. Bidders will be MDOT prequalified or give (3) references of similar sized jobs. All surface preparation and crack sealing shall be done in accordance with these special provisions. Only field blended (no box material) will be accepted. All traffic control will be included in the unit price for Rural Overband Crack Seal.

B. MATERIALS: PG 64-22, POLYESTER FIBER, LATEX RUBBER ADDITIVE.

1. General - All joints and cracks will be waterproofed using the following hot asphalt based crack sealant. The material shall be extruded under high temperature [275-325 degrees F] and high pressure [100 P.S.I. max.] directly into and over the joints and cracks.

2. Composition

Liquid Rubber Compound    5.0% +/- 1/2% by weight of asphalt

The liquid rubber compound shall be able to be blended rapidly with asphalt cements in bituminous pressure distributors and crack sealing kettles without special equipment. It shall not cause boiling or foaming when blended with liquid asphalt at 300 degrees F.

The liquid rubber compound shall be a virgin unvulcanized synthetic rubber compound which meets the following requirements:

Ash, % of total rubber solids ASTM D297	2.0 max
Volatile Content, 2 hrs. @ 105 degrees C. %	5.0 max
Coagulum on 80-mesh screen, %	0.2 max
Mooney Viscosity of polymer (M/L 4 @ 212 degrees	95 min
Brookfield Viscosity @ 77 degrees F., cps	20,000-80,000
Flash point, degree F., Pensky-Martin method ASTM D93	300 min

The manufacturer shall furnish certification that the liquid rubber compound furnished meets the above specification.

Polyester Fibers (HY-Tech, Bonifiber or approved equal). . . 5.0% +/- 1/2% by weight of asphalt

The fibers shall be polyester fibers meeting the following requirements:

Denier; ASTM D 1577*	3.0 to 6.0
Length, inch	0.25 +/- 0.02
Crimps; ASTM D 3937	None
Tensile strength, minimum, psi; ASTM D 2256*	70,000
Specific gravity	1.32 to 1.40
Minimum melting temperature	475 F
Ignition temperature	1000 F min.

Note: The 5.0% fibers shall be a dry weight adjusted for moisture content.

### 3. Ingredient Specifications

Asphalt                      PG 64-22

### 4. Membrane/Sealant Physical Properties

Thickness    0.065" minimum  
                  0.125" maximum  
Width           Variable (5" to 12")



### C. Construction Methods

1. Preparation of Surface - The surface shall be thoroughly clean and dry when the sealant/membrane is applied. Cleaning of cracks will be with minimum 100 P.S.I. compressed air and hand tools as necessary to remove dust, dirt, moisture, vegetation, and foreign materials that would prevent bonding of the material. Cleaning work is to be done concurrently with the application process. Air compressors shall be portable and capable of furnishing not less than 100 PSI air pressure at the nozzle. The compressor shall be equipped with traps that will maintain the compressed air free of oil and water.

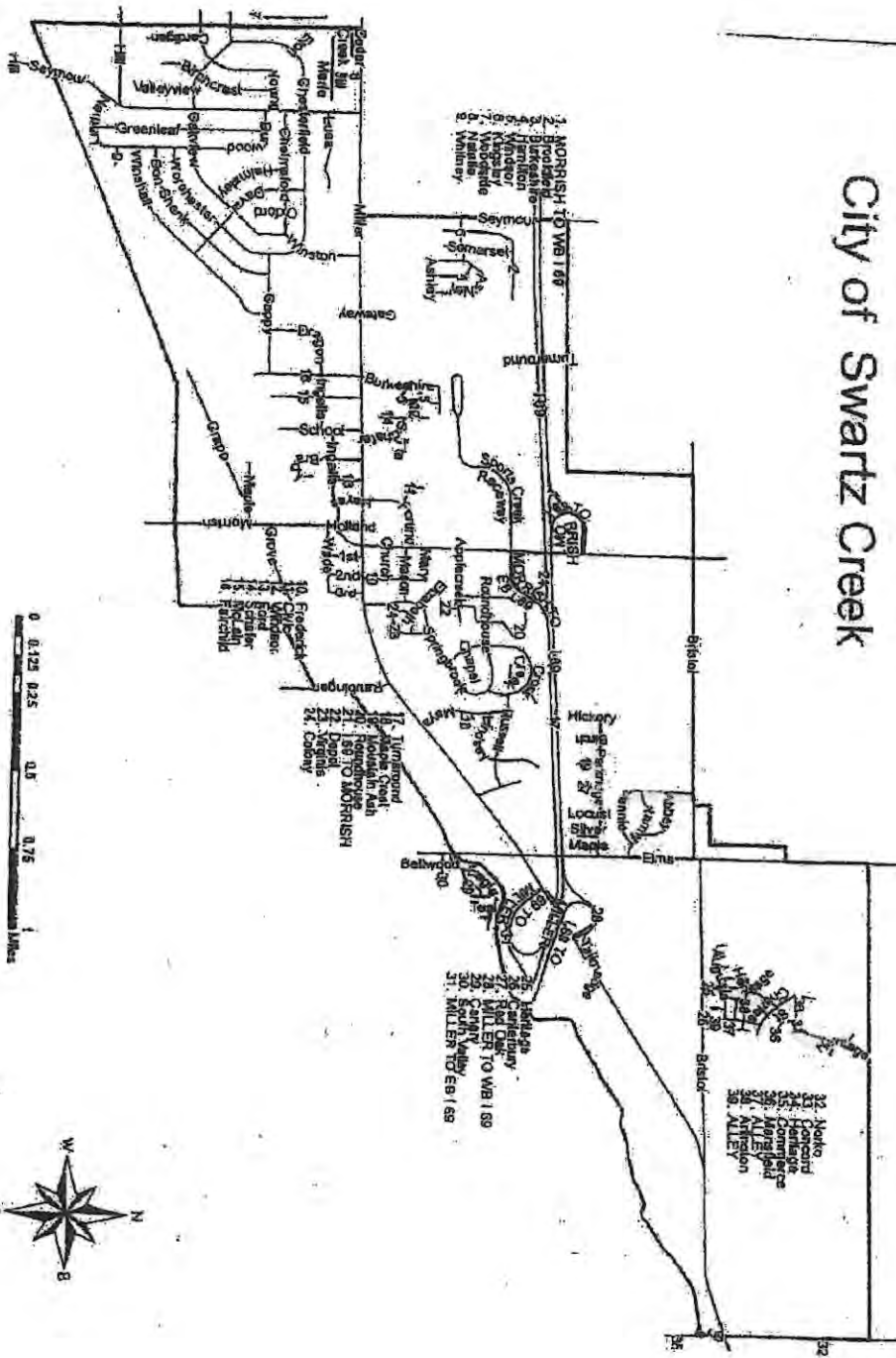
2. Mixing Procedures - The material shall be blended in an oil-jacketed double wall kettle equipped with an agitator (reversing rotary auger action) and separate thermometers for the oil bath and the blending vat. A 2-inch recirculating pump is required to provide circulation of the materials when not applying the crack sealant. The unit shall be capable of mixing 2,500 pound minimum batches of material. The temperature of the material shall be maintained between 275-350 degrees F. Automatic temperature controls and an automatic safety shutoff system shall be used. Weight tickets for the asphalt cement shall be used in determining the specified weight of fiber and liquid rubber compound to be blended into the asphalt cement. The fibers and liquid rubber compound shall be added to the asphalt cement and thoroughly mixed in the kettle.

3. Application - The material is to be applied to the crack and pavement surface with specially designed applicator heads which are round and concave. The diameter of these heads determine the width of the band of material on the pavement surface. These heads should range in size from 5" to 12" in diameter. The contract owner shall specify the head sizes to be used after discussion with the contractor. The 5" diameter head shall be used whenever possible. The applicator wand is to be equipped with a material shutoff control operated by the applicator person. This control is necessary for a neat job and prevents excess material from being applied.

4. Weather Limitations - No material shall be applied unless the ambient air temperature is 40 F and rising. No material shall be applied while the surface is wet.

5. Opening to Traffic - Traffic shall be kept off the newly placed sealant until it has cooled and set enough to prevent tracking and/or pullout of the sealant

Map



**NOTICE OF REQUEST FOR BIDS**

**City of Swartz Creek - Fog Sealing**

The City seeks to have approximately 50,000 yd<sup>2</sup> of “urban style” (having curb and gutter and catch basins) roads sealed. There are many definitions of sealing and many terms are used interchangeably but are not always clear as to what they refer to. The sealing in this request for bid will consist of applying asphalt emulsion, an aggregate layer and another coating of asphalt emulsion to lock the aggregate in place. For this bid the city is looking to utilize the MDOT “CS-T” small aggregate specification. Bids are due by Thursday, July 11 at 10:00am. If you wish to bid on this project please contact Renee Kraft, city clerk, at [RKraft@cityofswartzcreek.org](mailto:RKraft@cityofswartzcreek.org) or 810-635-4464, or download documents from our website at [www.cityofswartzcreek.org](http://www.cityofswartzcreek.org).

\*\*\*\*\*END OF PUBLICATION\*\*\*\*\*

**PUBLISH: 4 dates: Thursdays, June 20, June 27, July 4, 2024**

**The View**

**1 published affidavit required**

**Proof Required**

**No requirement on font size**

**Please Bill: City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, Mi. 48473**

Bids Opened by:

Renee [Signature]

Time opened:

10:00 am

Witnessed by:

Jody Kay [Signature] Jody Kay [Signature]

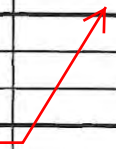
Bid For: Elms Park Fence Repair

Bid Opening:

7/18/24 at 10:30

Name and Address	Email Address	Phone #	Want Packet	Date sent	Bid Total	Remarks
RMD Holdings, LTD		586-749-6900		7/17	22,651.83	ins cert enclosed
Michigan Fence Co		810-235-4581		7/17	28,151.00	ins cert enclosed

Corrected amount is \$28,150.00



## LETTER OF TRANSMITTAL

**From:** Michigan Fence Company, Inc.  
 3059 W. Hill Road  
 Flint, Michigan 48507  
 (810) 235-4581

**To:** City of Swartz Creek  
 8083 Civic Park  
 Swartz Creek, MI 48473  
 (810) 635-4464

**Date:** July 17, 2024

**Attn:** Robert Bincsik

**Job No.**

**Job Name** 2024 Elms Park Fence Repair

**RE:** Bid Pack

- X Attached
- Shop Drawings
- Prints/Plans
- Samples
- Change Order
- Specifications

Date	Copies	Description
07/16/2024	1	Intro Letter
07/16/2024	1	Bid Form
07/16/2024	1	Tennis Court Write Up
07/16/2024	1	Pickleball Court Write UP
07/16/2024	1	Backstop Write Up
07/16/2024	1	Certificate of Insurance
07/16/2024	1	Michigan Fence Contact Information
07/16/2024	1	WBENC Certificate

For Approval  
 For Your Use  
 As Requested  
 For Bids Due

Approved as Noted  
 Approved as Submitted  
 Returned as Corrections

For Review & Comment

**Remarks**

Please see the attached documents for the "2024 Elms Park Fence Repair".

**Signature:** Penny Johnson



# MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.  
Flint, MI 48507

Phone: (810) 235-4581  
Fax: (810) 235-9348

July 16, 2024

City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Elms Park Fence Repairs

Dear Robert Bincsik,

Thank you for the opportunity to provide a proposal for the “2024 Elms Park Fence Repairs”

Michigan Fence Company is one of the leading fence companies in the state that has provided quality fences and a vast menu of services for residential and commercial customers since 1955. Our designs range from the traditional white vinyl picket or cedar fence to the chain-link (residential and commercial) or ornamental metal fences. In addition, we work with many different local Michigan suppliers to provide a host of designs that help you create the special look you seek.

We understand the needs of all our customers and are willing to go the extra mile to serve them. Our outstanding experience, knowledge, and commitment to quality customer service set us apart from the competition and make us the company of choice for much of Michigan!

Michigan Fence Company has had the pleasure of working with many local companies, General Motors, Consumers Energy, Siwek Construction, E&L Construction Group, Rhoads & Johnson, Lurvey Construction, Mott Community College, Linden Community Schools, Fenton Community Schools, Cass City Schools, Davison Community Schools, Swartz Creek Community Schools and the City of Flint to name a few.

We appreciate this opportunity to present you with this proposal. We look forward to hearing from you.

Sincerely,



Brian S. Harris



BID FORM  
 Elms Park Fence Repairs  
 LOCATED AT 8083  
 SWARTZ CREEK, MICHIGAN

**BID FORM**  
**Elms Park Fence Repairs**  
**8083 Civic Drive**  
**SWARTZ CREEK, MICHIGAN**

**To:** The City of Swartz Creek  
 8083 Civic Drive  
 Swartz Creek, MI 48473

**BID PRICE**

The Bidder, having visited the site of the proposed work, and having familiarized themselves with local conditions affecting the cost of the work and with the requirements of the Information For Bidders, hereby agree to furnish all the labor, materials and equipment necessary to complete the work as described in the Advertisement and Bid Specification Document within the time set forth therein.

<u>Item</u>	<u>Cost</u>
Tennis courts fence repairs	\$ 8598 <sup>00/</sup>
Pickleball court fence	\$ 5598 <sup>00/</sup>
Baseball field backstop	\$ 13,955 <sup>00/</sup>
Project Total	\$ 28,151 <sup>00/</sup>

*13,954*  
*\$ 28,150*  
*12*

**EXECUTION OF CONTRACT**

Upon receipt of the Notice of Award the Bidder agrees to execute an Agreement within ten calendar days.

BID FORM  
Elms Park Fence Repairs  
LOCATED AT 8083  
SWARTZ CREEK, MICHIGAN

**WAIVER**

The Bidder does hereby represent and warrant that the price in their Bid is a complete and correct statement of the price for the work in said Bid, and further, that all other information given or furnished in this Bid is complete, correct and submitted as intended by them and does hereby waive any right or claim they may now or hereinafter have by reason of errors, mistakes or omissions made by them in said Bid.

**BID NON-COLLUSIVE**

The Bidder does hereby represent that their Bid is genuine and not collusive or sham, and that they have not in any manner, directly or indirectly, agreed or colluded with any other person, firm or association to submit a sham Bid or to refrain from bidding or in any way to fix this Bid or that of any other Bidder, or to secure any advantage against The City of Swartz Creek.

The Bidder does hereby represent and warrant that no officer or employee of The City of Swartz Creek is directly or indirectly interested in this Bid or in any Contract which may be made under it, or any expected profits to arise there from.

**PERIOD BID GUARANTEE**

The Bidder agrees that their Bid is guaranteed for a period of ninety (90) calendar days after the scheduled closing time for receipt of the Bids.

**TIME OF COMPLETION**

If awarded the Contract for the project, the Bidder agrees to complete the entire Work within forty five (45) calendar days from the date of a signed contract.

**LEGAL STATUS OF BIDDER**

The Bidder declares the following legal status: (Check One)

A Corporation organized and existing under the laws of the State of Michigan

A Partnership consisting of the following partners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



BID FORM  
Elms Park Fence Repairs  
LOCATED AT 8083  
SWARTZ CREEK, MICHIGAN

An individual doing business as:

---

---

**AUTHORIZED SIGNATURE OF BIDDER**

Firm Name: Michigan Fence Co, Inc.

By: *Robert A. Smith*

Title: CEO

Business Address: 3059 W. Hill Rd  
Flint, MI 48507  
(City, State, Zip Code)



# MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.  
Flint, MI 48507

Phone: (810) 235-4581  
Fax: (810) 235-9348

July 16, 2024

City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Elms Road Tennis Courts

Dear Robert Bincsik,

We appreciate the opportunity to present this proposal for your fence requirements. The following is a brief description of the materials to be supplied by Michigan Fence Company, Inc.

Remove existing chain link fabric, top rail and mid-rail. Drive posts down as needed. Re-install existing top rail and mid-rail. Re-install existing chain link fabric and re-tie posts and rail. Install tension wire and hog ring as needed.

**Labor & Material**

**\$8,598.00**

*Furnish and install new chain link fabric on Tennis Court – ADD \$6,500.00*

**To accept this proposal, please sign, date, and return by fax or mail.**

Signed by \_\_\_\_\_ Date \_\_\_\_\_

***Due to the changes happening within the current steel market, prices are subject to change according to the market.***

The price quoted above is only for the listed material and footages and any changes will result in a change in price.

**PLEASE NOTE THAT THE PROPERTY OWNER IS RESPONSIBLE TO MARK ALL PROPERTY LINES AND TO OBTAIN ANY AND ALL PERMITS NECESSARY.**

*Installer shall call Miss-Dig for location of underground utilities; however, the customer is responsible for the location and marking of all other buried cables and/or any underground obstructions not designed by Miss-Dig. Some of these cables and/or obstructions may be, but are not limited to, cable TV lines, underground sprinkler lines, swimming pool electrical and water lines, and electrical, gas, or telephone lines.*

Again, we appreciate this opportunity to present you with this proposal. We look forward to hearing from you.

Sincerely,



Brian S. Harris



# MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.  
Flint, MI 48507

Phone: (810) 235-4581  
Fax: (810) 235-9348

July 16, 2024

City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Elms Road Pickleball Courts

Dear Robert Bincsik,

We appreciate the opportunity to present this proposal for your fence requirements. The following is a brief description of the materials to be supplied by Michigan Fence Company, Inc.

Furnish and install approximately 60 feet of 48" high black commercial chain link fence using 3" PC40 terminal posts, 2-1/2" PC20 line posts, 1-5/8" PC20 top rail and 6-gauge bottom tension wire. All posts to be core drilled and set in 42" deep concrete footing. All fence fabric to be 9-gauge core wire with 8-gauge fused and bonded finish. All spoils to be hauled off site.

**Labor & Material**

**\$5,598.00**

**To accept this proposal, please sign, date, and return by fax or mail.**

Signed by \_\_\_\_\_ Date \_\_\_\_\_

***Due to the changes happening within the current steel market, prices are subject to change according to the market.***

The price quoted above is only for the listed material and footages and any changes will result in a change in price.

**PLEASE NOTE THAT THE PROPERTY OWNER IS RESPONSIBLE TO MARK ALL PROPERTY LINES AND TO OBTAIN ANY AND ALL PERMITS NECESSARY.**

*Installer shall call Miss-Dig for location of underground utilities; however, the customer is responsible for the location and marking of all other buried cables and/or any underground obstructions not designed by Miss-Dig. Some of these cables and/or obstructions may be, but are not limited to, cable TV lines, underground sprinkler lines, swimming pool electrical and water lines, and electrical, gas, or telephone lines.*

Again, we appreciate this opportunity to present you with this proposal. We look forward to hearing from you.

Sincerely,



Brian S. Harris





# MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.  
Flint, MI 48507

Phone: (810) 235-4581  
Fax: (810) 235-9348

July 16, 2024

City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Elms Road Backstop

Dear Robert Bincsik,

We appreciate the opportunity to present this proposal for your fence requirements. The following is a brief description of the materials to be supplied by Michigan Fence Company, Inc.

Furnish and install one (1) 16' high x 30' wide black commercial backstop with 15' wide wings with 4" PC40 terminal posts, 3" PC40 line posts and 1-5/8" PC20 rail. Install 96" high 6-gauge core/5-gauge finish on bottom of backstop and 96" high 9-gauge core/8-gauge finish on top of backstop. All posts to be set in 42" deep concrete footings.

**Labor & Material**

**\$13,954.00**

**To accept this proposal, please sign, date, and return by fax or mail.**

Signed by \_\_\_\_\_ Date \_\_\_\_\_

***Due to the changes happening within the current steel market, prices are subject to change according to the market.***

The price quoted above is only for the listed material and footages and any changes will result in a change in price.

**PLEASE NOTE THAT THE PROPERTY OWNER IS RESPONSIBLE TO MARK ALL PROPERTY LINES AND TO OBTAIN ANY AND ALL PERMITS NECESSARY.**

***Installer shall call Miss-Dig for location of underground utilities; however, the customer is responsible for the location and marking of all other buried cables and/or any underground obstructions not designed by Miss-Dig. Some of these cables and/or obstructions may be, but are not limited to, cable TV lines, underground sprinkler lines, swimming pool electrical and water lines, and electrical, gas, or telephone lines.***

Again, we appreciate this opportunity to present you with this proposal. We look forward to hearing from you.

Sincerely,



Brian S. Harris



MICHFEN-02

KREILLY

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/16/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Oakland Insurance Agency 8055 Ortonville Road Clarkston, MI 48348	CONTACT NAME:	
	PHONE (A/C, No, Ext): (248) 647-2500	FAX (A/C, No): (248) 647-4689
	E-MAIL ADDRESS: certrequest@oaklandinsurance.com	
INSURED  Michigan Fence Company, Inc. G-3059 W Hill Rd Flint, MI 48507	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Emcasco Insurance Company	NAIC # 21407
	INSURER B : Employers Mutual Casualty Co.	21415
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

## COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> XCU Included  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>		5D88088	6/1/2024	6/1/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			5E88088	6/1/2024	6/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 0	<input checked="" type="checkbox"/>		5J88088	6/1/2024	6/1/2025	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / <input checked="" type="checkbox"/> N / A If yes, describe under DESCRIPTION OF OPERATIONS below			5H88088	6/1/2024	6/1/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
B	Leased Rented Equip			5C88088	6/1/2024	6/1/2025	Limit (\$500 Ded) 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Elms Park Fence Repairs  
Additional insured as required by written contract, City of Swartz Creek, with respects general liability.

### CERTIFICATE HOLDER

### CANCELLATION

City of Swartz Creek 8083 Civic Drive Swartz Creek, MI 48473	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



# MICHIGAN FENCE COMPANY, INC.

G-3059 West Hill Rd.  
Flint, MI 48507

Phone: (810) 235-4581  
Fax: (810) 235-9348

July 16, 2024

City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Elms Park Fence Repairs

Dear Robert Bincsik,

We appreciate this opportunity to present you with this proposal.

### *Project Contact Information*

Salesman                      Brian Harris  
   Cell: (810) 691-7184  
   Office: (810) 235-4581  
   Email: [brian@mifence.com](mailto:brian@mifence.com)

Office                              Penny Johnson  
   Office: (810) 235-4581  
   Email: [penny@mifence.com](mailto:penny@mifence.com)

Billing/Accounting          Debby Harris  
   Office: (810) 235-4581  
   Email: [debby@mifence.com](mailto:debby@mifence.com)

We look forward to hearing from you.

Sincerely,



Brian S. Harris





JOIN FORCES. SUCCEED TOGETHER.

hereby grants

# National Women's Business Enterprise Certification

to

Michigan Fence Company, Inc.

who has successfully met WBENC's standards as a Women's Business Enterprise (WBE).  
This certification affirms the business is woman-owned, operated and controlled and is valid through the date herein.

WBENC National WBE Certification was processed and validated by Great Lakes Women's Business Council, a WBENC Regional Partner Organization.

Certification Granted: October 21, 2003  
Expiration Date: October 21, 2024  
WBENC National Certification Number: 231916



Authorized by Michelle Richards, President  
Great Lakes Women's Business Council

NAICS: 238990  
UNSPSC: 72154013





## ARTICLE 19. LIGHTING STANDARDS<sup>1</sup>

### Section 19.00. Purpose.

The purpose of this article is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; ~~prevent glare, from light fixtures, onto~~ adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

(Ord. No. 440 , § 10, 6-10-19)

**Deleted:** reduce light pollution and

**Deleted:** light trespass

**Deleted:** sources

### Section 19.01. Applicability.

The standards in this article shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The building official/zoning administrator may review any building or site to determine compliance with the requirements under this article. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the city, the applicant shall submit sufficient information to enable the building official/zoning administrator and/or planning commission to determine whether the proposed lighting complies with this article.

(Ord. No. 440 , § 10, 6-10-19)

### Section 19.02. Lighting definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *Canopy structure* means any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. *Flood or spot light* means any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. *Glare* means a direct light emitted by a light fixture, lamp, luminous tube lighting or other light source.
- D. *Lamp* means the component of the luminaire that produces the actual light including luminous tube lighting.

<sup>1</sup>Editor's note(s)—Ord. No. 440 , § 10, adopted June 10, 2019, renumbered Art. 27 §§ 27.00—27.06 as Art. 19 §§ 19.00—19.06, as set out herein.

See editor's note at Art. 12 pertaining to renumbering the former Art. 19.

- E. *Light fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- F. *Light pollution* means an artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- G. *Light trespass* means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- H. *Luminaire* means the complete lighting system including the lamp and light fixture.
- I. *Luminous tube lighting* means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- J. *Outdoor light fixtures* means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- K. *Shielded fixture* means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

L. *Light Fixture, fixed* means either a pole- or building-mounted fixture that is permanently directed downward, shielded, and cannot be adjusted at an angle.

M. *Accessory String Lighting* means clear "Edison Style" string lighting in commercial or residential districts used for roof-top, porch, patio or deck for ambiance enhancement lighting that meet all other lighting and locational requirements of the ordinance.

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(Ord. No. 440 , § 10, 6-10-19)

**Section 19.03. Submittal requirements.**

The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the zoning administrator prior to lighting installation:

- A. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
- B. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
- C. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- D. Purpose of the fixture proposed.
- E. Any other information deemed necessary by the zoning administrator to determine compliance with provisions of this article.

(Ord. No. 440 , § 10, 6-10-19)

(Supp. No. 10)

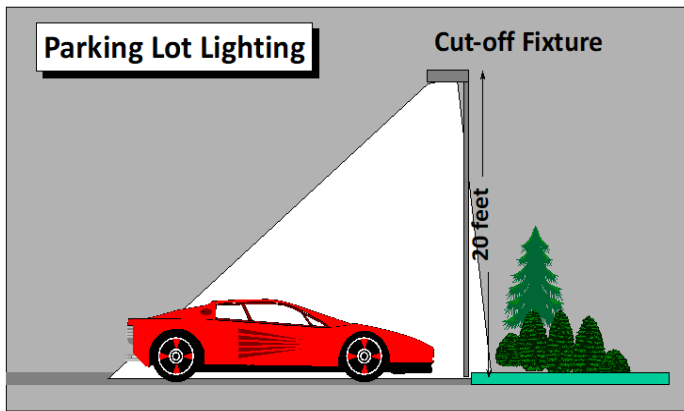
Created: 2023-09-27 11:58:52 [EST]

## Section 19.04. Lighting standards.

Unless exempted under section 19.05, Exemptions, all lighting must comply with the following standards:

### A. Freestanding pole lighting:

1. Exterior lighting shall be cut-off, fully shielded, and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of 20 footcandles is permitted within the site but the above standards shall apply to intensity at the property line. In addition, lighting of parking lots should provide illumination adequate for security, typically at an overall intensity ratio of 10 to 1 throughout the site.



2. Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and minimize "sky glow."
3. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
4. Lighting fixtures shall not exceed a height of 20 feet measured from the ground level to the centerline of the light source, except that fixtures as high as 30 feet shall be permitted in Industrial Districts. These light fixture height standards shall not apply to public lighting in a road right-of-way.
  - a) The planning commission may modify these height standards in Commercial and Industrial Districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use.
  - b) In no case shall the lighting exceed the maximum building height in the district in which it is located.

- 
5. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within Commercial, Industrial and Office Zoning Districts shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues.

B. *Building-mounted lighting:*

1. Building-mounted lighting shall be ~~cut-off~~, fully shielded, and directed downward to prevent off-site glare. The intensity of light shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted at the property line.
2. Metal halide ~~or LED~~ fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
3. Luminous tube, ~~exposed bulb fluorescent, and LED~~ lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, ~~inside windows~~, etc. The planning commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.
4. The planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

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C. *Window lighting:*

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
2. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of the city's sign ordinance.

D. *Other lighting:*

1. The internal illumination of canopies is prohibited.
2. Indirect ~~or non-primary~~ illumination of signs, canopies and buildings is permitted provided a maximum ~~100-watt incandescent bulb, or LED lumen equivalent, bulb of no more than 14 watts,~~ is utilized and there is no glare.
3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
4. Lighting shall not be of a flashing, moving or intermittent type.

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(Ord. No. 440, § 10, 6-10-19)

### Section 19.05. Exemptions.

The following are exempt from the lighting requirements of this article, except that the building official/zoning administrator may take steps to eliminate the impact of the below exempted items when deemed necessary to protect the health, safety and welfare of the public:

- A. Sports fields.
- B. Swimming pools.
- C. Holiday decorations.

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(Supp. No. 10)

- D. Window displays without glare.
- E. Shielded pedestrian walkway lighting, including bollard fixtures.

F. Street lights.

G. Decorative street lights with internal shields to prevent glare onto adjacent residential properties.

H. Decorative Exterior String Lights including clear "Edison Style" string lighting in commercial or residential districts used for roof-top, porch, patio, deck specifically as ambiance enhancement lighting that meet all other lighting requirements of the ordinance.

(Ord. No. 440 , § 10, 6-10-19)

#### **Section 19.06. Lamp or fixture substitution.**

Should any light fixture regulated under this article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for his approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

(Ord. No. 440 , § 10, 6-10-19)

#### **Section 19.07. Residential lighting.**

Permits are not required for lighting on single-family detached housing, but fixtures cannot create off-site glare on either the roadway or adjacent properties. For security lighting, residents are encouraged to utilize fixtures with motion detectors that only go on when caused by movement in the yard. The Building Official can require existing residential light fixtures to be re-directed or removed altogether if creating off-site glare on adjacent properties.

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**ZONING PERMIT APPLICATION**  
**CITY OF SWARTZ CREEK**  
*(An Equal Opportunity Employer)*  
**8083 Civic Drive, Swartz Creek MI 48473**  
**Phone 810.635.4464**

**Site Information**

Address 8006 Miller Rd

City Swartz Creek Zip 48473

**Owner Information**

Name S and K Hometown Pub

Address 8006 Miller Rd City Swartz Creek State Mi Zip 48473

Phone No. 810-691-3478 Email Address American Pub 810 @ Gmail.com

**Applicant Information**

Name Scott Thomas

Address 7107 Hill Rd City Swartz Creek State Mi Zip 48473

Phone No. (810) 691-3478 Email Address American Pub 810 @ gmail.com

**Type of Improvement (please supply all applicable information)**

Shed under 200 sq. ft.  Pond  Fence  Other

Type of Fence \_\_\_\_\_

Location \_\_\_\_\_

Dimensions \_\_\_\_\_

Height \_\_\_\_\_

Estimated Construction Cost \_\_\_\_\_



**Existing Site Information**

Current No. of Structures \_\_\_\_\_

Location \_\_\_\_\_

Dimensions \_\_\_\_\_

Height \_\_\_\_\_

All supporting documentation **including** a diagram of the site must be submitted with this application. Other permits issued by the City of Swartz Creek such as Electrical, Mechanical and/or Plumbing may be required.

All of the above statements are true to the best of my knowledge and permission is hereby granted to give authority to any representative of the city to go on or about the property.

Signature: Scott A Thomas Date: 7-10-24

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

**FOR CITY USE ONLY**

**Notes for approval:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
Signature of Zoning Administrator

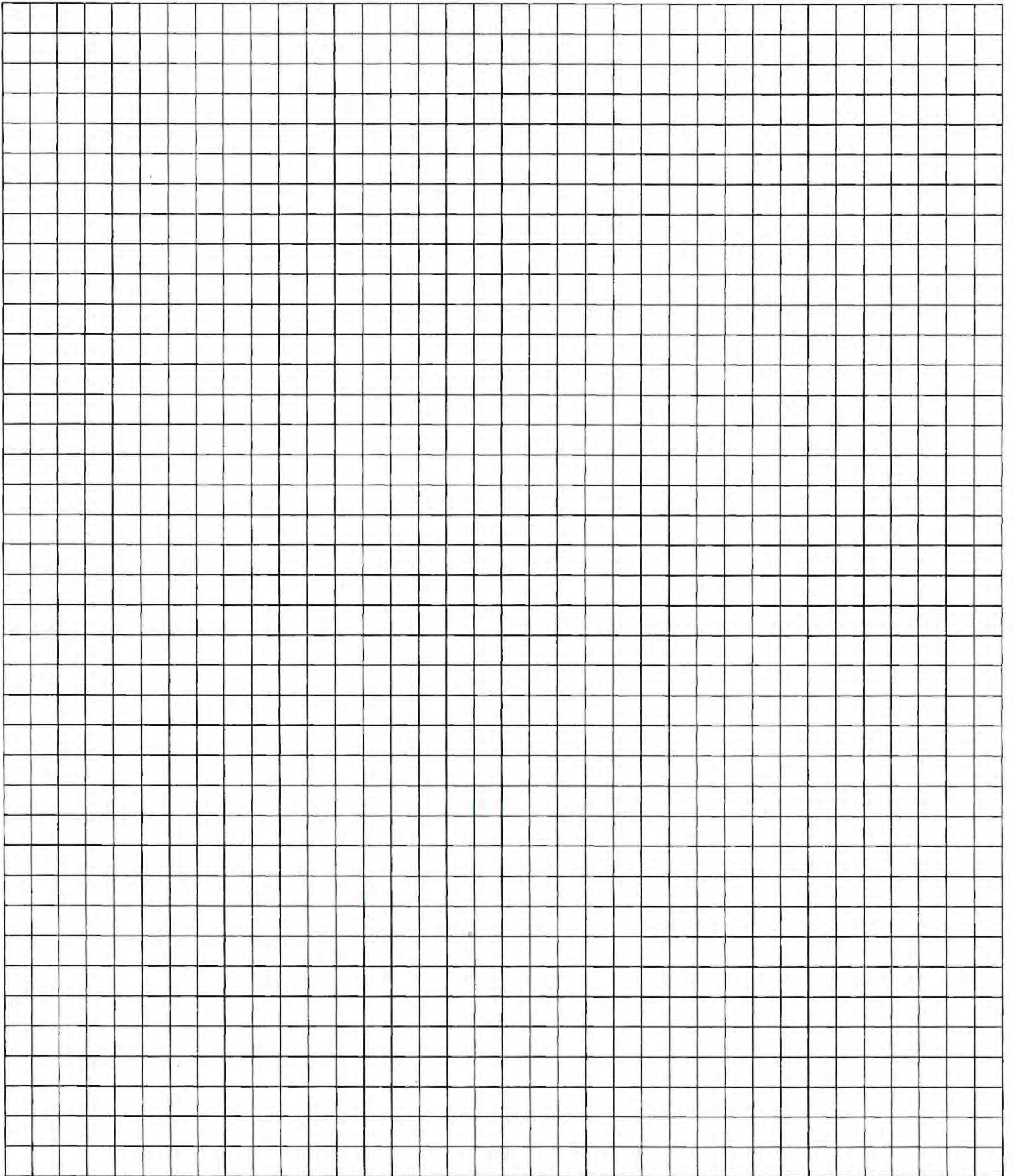
\_\_\_\_\_  
Date



Additional Information

We are requesting a continuation of existing zoning permit to use the rear alley to serve food and alcohol on our existing patio. We are requesting a 1 yr continuation while we work on a plan to drastically improve the space and seek a more long term zoning permit that will include outdoor dining space for Jamie's Place that adjoins the existing patio structure. The expected outcome is that the alley will better serve Jamie's Place and Sandk Hometown Pub's customers and visually improve the whole alley.

PLOT PLAN



**Sent via email and U.S. Mail**

July 11, 2024

[shanna.suver@cjtrainor.com](mailto:shanna.suver@cjtrainor.com)

Christopher J. Trainor  
Christopher Trainor & Associates  
9750 Highland Road  
White Lake, MI 48386

**Re: Ronald Rice v City of Swartz Creek, et al.  
Case No. 2:24-cv-11637**

Dear Mr. Trainor:

I am corporate counsel for the City of Swartz Creek. Your complaint on behalf of Ronald Rice was forwarded to me. The City should in no way be a party to this lawsuit. I am writing to explain why and to ask that you dismiss the City as a result.

For many years the City maintained its own police department, but that changed in 2017, when the City partnered with Mundy Township to establish the Metro Police Authority. The Authority is a separate legal body, capable of suing or being sued. All officers working for Metro are employed and supervised by Metro. The City no longer employs any officers. In fact, the City dissolved its police department. Accordingly, your complaint is with Metro and the officers it employs. The City has no place in this lawsuit.

All of this is easily verifiable, and was when you prepared the complaint. If you do not agree to dismiss the City, it will ask for sanctions for being improperly named a defendant. The City's deadline for filing an answer to the complaint is July 31, 2024. If you wish to discuss it, give me a call. Otherwise, I will expect you to dismiss the City.

Sincerely yours,

SIMEN, FIGURA & PARKER, P.L.C.



Michael J. Gildner

MJG/kjn  
cc: Adam Zettle, City of Swartz Creek



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

RONALD RICE,  
Plaintiff,

v.

CASE NO: 24-cv-11637  
HONORABLE: LINDA V. PARKER  
MAG. ANTHONY P. PATTI

MICHAEL SCHUYLER, CHRISTOPHER BOYD, BLAKE HIBEN, PATRICK ROACH, and MATTHEW YELLE, in their individual and official capacities, and CITY OF LINDEN, CITY OF SWARTZ CREEK, MUNDY TOWNSHIP, GENESEE COUNTY, and METRO POLICE AUTHORITY OF GENESEE COUNTY,

Defendants.

<p>CHRISTOPHER TRAINOR &amp; ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) AMY J. DEROUIN (P70514) JONATHAN A. ABENT (P78149) Attorneys for Plaintiff 9750 Highland Road White Lake, MI 48386 (248) 886-8650 / (248) 698-3321-FAX shanna.suver@cjtrainor.com amy.derouin@cjtrainor.com jon.abent@cjtrainor.com</p>	<p>MCGRAW MORRIS, P.C. G. GUS MORRIS (P32960) JOHN T. GEMELLARO (P74141) Attorneys for Ds Metro Police Authority, Hiben, Roach and Yelle 2075 W. Big Beaver Road, Ste. 750 Troy, MI 48084 248-502-4000 / 248-502-4001-fax gmorris@mcgrawmorris.com jgemellaro@mcgrawmorris.com</p>
<p>PLUNKETT COONEY AUDREY J. FORBUSH (P41744) Attorney for Ds City of Linden and Schuyler 111 E. Court Street, Ste. 1B Flint, MI 48502 810-342-7014 / 810-232-3159-fax aforbush@plunkettcooney.com</p>	

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE OF DEFENDANTS CITY OF SWARTZ CREEK AND  
MUNDY TOWNSHIP, ONLY, PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)**

**NOW COMES** Plaintiff, **RONALD RICE**, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and pursuant to Fed. R. Civ. P. 41(a)(1)(A), hereby voluntarily dismisses Defendants CITY OF SWARTZ CREEK and MUNDY TOWNSHIP from this matter without prejudice, and without costs or fees to any party.

Respectfully Submitted,  
CHRISTOPHER TRAINOR & ASSOCIATES

**/s/ Jonathan A. Abent**  
JONATHAN A. ABENT (P78149)  
Attorney for Plaintiff  
9750 Highland Road  
White Lake, MI 48386  
(248) 886-8650

Dated: July 17, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2024, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to *all counsel of record*, and I further certify that I sent the foregoing papers to the following via email: *Michael Edmunds, Esq., medmunds@gaultdavison.com;* and *Michael Gildner, Esq., mgildner@sfplaw.com,* and have mailed by United States Postal Service the paper to the following non-ECF participants: *none.*

Respectfully Submitted,  
CHRISTOPHER TRAINOR & ASSOCIATES

**/s/ Jonathan A. Abent**  
JONATHAN A. ABENT (P78149)  
Attorney for Plaintiff  
9750 Highland Road  
White Lake, MI 48386  
(248) 886-8650

Dated: July 17, 2024

# Abrams Park





**Agroscaping, Inc.**  
 6443 Grand Blanc Rd.  
 Swartz Creek, MI 48473  
 USA

# QUOTATION

Quote Number: 07-10-24-01  
 Quote Date: Jul 10, 2024  
 Page: 1

Voice: (810) 655-6654  
 Fax: (810) 655-5885

Quoted To:
FRIENDS OF ABRAMS PARK ABRAMS PARK SWARTZ CREEK, MI 48473

Customer ID	Good Thru	Payment Terms	Sales Rep
FRIENDS	8/9/24	Net Due	

Quantity	Item	Description	Unit Price	Amount
1.00		UNILOCK FLAGSTONE PAVERS APPROX. 10' BY 14' FLAGPOLE BASE 3' OUT FROM SEAT WALL	3,570.00	3,570.00
1.00		LEDGESTONE SEAT WALL APPROX. 10' AND 20" HIGH ALONG BACKSIDE OF PAVERS	1,500.00	1,500.00
1.00		20' Kennedy Series - Internal Halyard Cam Cleat Aluminum Flagpole	1,958.98	1,958.98
1.00		OPTION 25' Kennedy Series - Internal Halyard Cam Cleat Aluminum Flagpole \$2,088.98		
			Subtotal	7,028.98
			Sales Tax	
			<b>TOTAL</b>	<b>7,028.98</b>

[REDACTED] I did talk to the vfw. They were aware of the decay of it. It was put there in 1974. They have already talked about it and it is on the agenda for their next meeting. They are thinking of getting a new one from marsh monument and will contact me as soon as more is known. [REDACTED]



# Whitney Ct

