

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 02/12/07**

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

Invocation and Pledge of Allegiance to the Flag.

Councilmen Present: Abrams, Adams, Hurt, Porath, Shumaker.

Councilmen Absent: Christie, Hicks.

Staff Present: City Manager Bueche, Clerk/Finance Officer Clark, Community Services Director Svrcek, Police Chief Clolinger, Engineer Fleury, and Attorney Figura.

Others Present: Boots Abrams, Bud Grimes, Lee Gonzales, Tommy Butler, Polly Butler, Jamie Adams, Andrea Beaudoin, and Donald B. Wyatt.

Mayor Abrams advised Councilmember Christie is out of town, but he had not heard from Councilmember Hicks.

Resolution No. 070212-01

Motion by Councilmember Hurt,
Second by Councilmember Adams,

The Swartz Creek City Council excuses the absence of Councilmember Christie from tonight's meeting due to his being out of town.

YES: Abrams, Adams, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070212-02

(Carried)

Motion by Councilmember Porath,
Second by Councilmember Shumaker,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held January 22, 2007, to be circulated and placed on file.

YES: Abrams, Adams, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

Mayor Abrams recognized State Representative Lee Gonzales of the 49th District. Representative Gonzales briefed those present on the Governor's proposed budget reductions and revenue enhancement. He noted the Governor hopes to maintain revenue sharing at its current level. Representative Gonzales remarked the Governor is asking local governments to coordinate with others during the current severe budget crisis in Michigan. He commended Swartz Creek on their efforts to work with other governmental units, and asked that officials keep him informed of their concerns. Representative Gonzales stated the focus during budget negotiations will be on how to provide a good quality of life for its citizens, retain business and attract business from outside the state.

APPROVAL OF AGENDA:

Resolution No. 070212-03

(Carried as amended)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda as amended for the Regular Council Meeting of February 12, 2007, then to be circulated and placed on file.

YES: Abrams, Adams, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 070212-04

(Carried)

Motion by Councilmember Adams,
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager's Report of February 12, 2007, to be circulated and placed on file.

Discussion ensued.

YES: Abrams, Adams, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

Mayor Abrams stated he misplaced an application for a MML seminar on recent telecommunications legislation, but believed someone from the City should attend. City Manager Bueche advised he received another flyer regarding this matter, and noted it was on Wednesday during the Legislative Conference. Mayor Abrams and Councilmember Hurt expressed interest in attending, and Mr. Bueche noted he would make reservations for them and that he and Adam would also be going to the seminar.

Mayor Abrams advised he recently attended a forum for planning commissioners and local officials sponsored by the Genesee County Metropolitan Planning Commission, and from that a community-wide summit was scheduled for Thursday, March 15th, from 8:00 a.m. to 4:00 p.m., at the Northbank Center in downtown Flint.

Further discussion took place regarding the letter signed by Linda Blackburn and Phillip Banacki regarding Winchester Woods Improvements, the Check Ledger, and the ROWE agreement.

All reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Councilmember Shumaker presented Police Chief Clolinger with a shoulder patch given to him by law enforcement officials during his recent trip to Alaska.

Boots Abrams, 5352 Greenleaf, on behalf of the Swartz Creek Women’s Club, solicited nominations for Woman of the Year.

Donald Wyatt, 5326 Durwood Drive, expressed concern regarding the City’s willingness to waive all sewer fees from the School District in order for them to build another school that will add one more tax-free area in the City. City Manager Bueche asked Mr. Wyatt to leave his phone number, so he could contact him for a meeting to explain how this decision was arrived at.

Tommy Butler, 40 Somerset, also spoke regarding the school bond information in the newspaper.

COUNCIL BUSINESS:

Appropriation – Senior Levy Disbursement

Resolution No. 070212-05

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Adams,

The City of Swartz Creek appropriates an amount not to exceed \$488.24 to the Swartz Creek Area Senior Citizens, Inc., from Fund 275, funds collected as of January 29, 2007, from the City’s levy for Senior Services, funds appropriated and to be expended under the terms and conditions as set forth in the agreement between the City of Swartz Creek and the Swartz Creek Area Senior Citizens, Inc.

Discussion took place.

YES: Abrams, Adams, Hurt, Porath, Shumaker.
NO: None. Motion declared carried.

Police FANG Assignment Renewal**Resolution No. 070212-06****(Carried)**

Motion by Councilmember Porath,
Second Councilmember Hurt,

WHEREAS, the City of Swartz Creek has assigned an Officer to the Flint Area Narcotics Group from June, 2004 through June 2007, under the specifications set forth in Resolution #040223-10, as follows:

Flint Area Narcotics Group (FANG) Position**Resolution No. 040223-10****(Carried)**

*Motion by Councilmember Shumaker,
Second by Mayor Pro-Tem Christie,*

The Swartz Creek City Council approves the assignment of one police officer to the Flint Area Narcotics Group, subject to a minimum 50% funding contribution from or through the Flint Area Narcotics Group, for a term not to exceed three years and/or subject to termination at the discretion of the City Council, in accordance with the membership agreement between the City of Swartz Creek and the Flint Area Narcotics Group and operating rules set forth by the Executive and/or Operation Boards of the Flint Area Narcotics Group.

Discussion ensued.

*YES: Abrams, Adams, Christie, Hurt, Porath, Shumaker.
NO: None. Motion declared carried.*

and; **WHEREAS**, the City of Swartz Creek finds it feasible, economical and in the interest of the safety and well being of the community to continue and extend this assignment for a period of one year.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby approve the re-assignment of one police officer to the Flint Area Narcotics Group, subject to a minimum 50% funding contribution from or through the Flint Area Narcotics Group, for a term not to exceed one year, expiring in June 2008, and further, such assignment shall be subject to termination at the discretion of the Swartz Creek City Council, in accordance with the membership agreement between the City of Swartz Creek and the Flint Area Narcotics Group and operating rules set forth by the Executive and/or Operation Boards of the Flint Area Narcotics Group.

Discussion ensued.

YES: Abrams, Adams, Hurt, Porath, Shumaker.
NO: None. Motion declared carried.

Genesee County Bar Association's Law Day Proclamation**Resolution No. 070212-07****(Carried)**

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

WHEREAS, Law Day is a celebration of our nation's great heritage of liberty, justice and equality under law; and

WHEREAS, all youth need to understand their rights and responsibilities under the law to become effective participants in our great nation's civic life; and

WHEREAS, the annual Law Day 2007 theme of Liberty Under Law; Empowering Youth, and assuring democracy encourages us to assure that our youth are equipped with the knowledge and skills necessary to effectively make their voices heard within our democracy.

NOW, THEREFORE, Mayor Richard B. Abrams does hereby proclaim, and the Swartz Creek City Council hereby affirm, that Monday, May 1, 2007 be recognized as Law Day, and further, hereby urge the Citizens, Schools, Businesses and the Media of the City of Swartz Creek to use this occasion to preserve and strengthen the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of February, in the year of our Lord, two-thousand and seven, and of the independence of the United States of America, the two-hundred and thirty-first.

YES: Abrams, Adams, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

Sale of Watermain - Discussion

City Manager Bueche noted the Council previously conversed regarding this. He noted the watermains west of the City have been under contract since the late 1960's allowing the townships to purchase service under certain conditions. He advised the formula in the agreement is at best ambiguous as to how value is determined. Mr. Bueche noted the watermain was acquired through Catsman, but due to the existence of several documents the original purchase price is not easily determined. He advised administrative staff have arrived at an estimated value of \$450,000 to \$550,000, although an appraisal has not been set.

City Manager Bueche noted the County has wanted to acquire the mains for a long time. He reminded Council former Manager Tom Hundley offered it to the County for approximately \$200,000 as late as 1996, and he offered it at about \$170,000 a year or so ago. Based on current water agreements, the franchise agreements along Bristol Road, and age of the mains, City Manager Bueche believed it would be in the best interests of the City to break out of the business of water transmission. Based on meetings with the

County, Mr. Bueche stated they are willing to take over control and maintenance of the water mains, while the City would retain all current and future customers. He advised the City would have the ability to tap into the mains as we saw fit as long as they met the City's engineering specifications; the water would be metered into the City and outside of the City and compared against the usage of the customers leading off all the mains. City Manager Bueche noted the County would pay the City \$100,000 to defray costs associated with rate increases due in April.

After considerable discussion, it was determined further negotiations and deliberations are in order.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt inquired regarding the old Marathon property. The City Manager informed Council he talked to them recently, and was advised they will be in with a site plan in a couple weeks. Mr. Bueche stated if nothing is done by spring, they will be notified of blight conditions.

Regarding the proposed school location, Councilmember Shumaker inquired where the proposed sewer tap would be made and direction of the flow, as well as whether it is legal to waive tap in fees for water and sewer. City Manager Bueche stated the City Attorney advises it is legal to waive the fees as long as it serves a greater public need or purpose. Mr. Bueche also advised the sewer tap ins would probably be in the vicinity of Seymour Road, just north of Miller, but the engineers will have to determine this. He noted water tap ins have not yet been discussed.

ADJOURNMENT:

Resolution No. 070212-08

(Carried)

Motion by Councilperson Adams,
Second by Councilmember Hurt,

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 8:13 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk