

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 07/23/07**

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, Christie, Hicks, Shumaker.

Councilmen Absent: Hurt, Porath.

Staff Present: City Manager Bueche, City Clerk Aguilar, Assistant Manager Zettel, Attorney Gildner, and Engineer Fleury.

Others Present: Steve Shumaker, Tommy Butler, Bud Grimes, Don Wyatt, R. Rosenthal, Bob Leff, Ron Schultz, Terry O'Brien, Jamie Adams, John Gilbert, and Jim Florence.

Resolution No. 070723-01

(Carried)

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

The Swartz Creek City Council excuses the absences of Councilmember Hurt due to a scheduled vacation and Councilmember Porath due to work commitments.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070723-02

(Carried)

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Adams,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held July 9, 2007, to be circulated and placed on file.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 070723-03

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hicks,

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of July 23, 2007, as presented, to be circulated and placed on file.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 070723-04

(Carried)

Motion by Councilmember Hicks,
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council approves the City Manager's Report of July 23, 2007, to be circulated and placed on file.

Mayor Abrams noted on page 4, regarding the street usage permit, the City Manager stated all three events were on the same day; however, the bicycle rodeo and bikathon will be held on Saturday, August 18th, and Assenmacher's tour will be Sunday, August 19th.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

Mayor Pro-Tem Christie distributed an invitation to an open house Thursday from former Commissioner Fred Shaltz who has reopened his land surveying and engineering business. Mayor Abrams shared with those present his response to the person who inquired why "under God" was not in the Pledge of Allegiance displayed in the Historical Museum. All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Don Wyatt, 5326 Durwood Drive, stated he and his neighbor, Bob Leff, have heard nothing regarding their claims after sewer backups in their basements in March. City Manager Bueche advised all claims had been referred to the City's carrier, who usually generates a letter quickly but doesn't reach resolution for a good six months. Mr. Bueche stated he would contact Meadowbrook and get back to Mr. Wyatt.

Bob Leff, 5332 Durwood Drive, requested that the City Manager also contact him regarding his claim.

COUNCIL BUSINESS:

Resolution of Endorsement – Anishinaabe Parents, Inc.

Resolution No. 070723-05

(Carried)

Motion by Councilmember Adams,
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council, at the request of the Anishinaabe Parents, Inc., a not-for-profit charitable organization located in Swartz Creek, Genesee County, Michigan, hereby recognizes and proclaims that the organization is a not-for-profit charitable entity engaged in the business of raising funds for the education of children on Native American history and culture, and further, recommends that the Michigan State Lottery and Gaming Commission consider and approve a license to conduct raffles for the purpose of raising funds.

Discussion ensued.

YES: Abrams, Adams, Christie, Hicks, Shumaker.
NO: None. Motion declared carried.

Community Development Block Grant (CDBG) Authorized Signatures.

Resolution No. 070723-06

(Carried)

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

WHEREAS, the City of Swartz Creek participates in the Genesee County Community Development Program; and

WHEREAS, the Genesee County Community Development Program has requested that we update our authorized card.

NOW, THEREFORE, BE IT RESOLVED that the following individuals be authorized to request reimbursement from the Community Development Block Grant Program:

1. Juanita Aguilar, City Clerk
2. Mary Jo Clark, Finance Director
3. Adam Zettel, Local Program Coordinator, Zoning Administrator,
Assistant City Manager

YES: Abrams, Adams, Christie, Hicks, Shumaker.
NO: None. Motion declared carried.

Statewide Trail System Endorsement

Resolution No. 070723-07

(Carried)

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

WHEREAS, there is general recognition statewide of the many benefits of multi-use trail-ways, not the least of which is improving health, economic benefits, alternative transportation, access to the environment and natural areas, recreational opportunities, tourism and multi-jurisdictional cooperation; and

WHEREAS, the “Connection Michigan Statewide Trail-ways Vision and Action Plan” released on May 15, 2007 is a comprehensive set of recommendations for completing an interconnected statewide system of trail-ways in Michigan; and

WHEREAS, the plan is the result of the year-long work of over 100 task force members, working on the following 10 topics: Funding for acquisition, construction, maintenance and operation; Developing a statewide GIS trail-way database and website; Property issues: easements and titles; Trail-ways usage: programming and promotions; On-road connections: linking the trail-ways; Building trail-ways support: education and advocacy; overcoming boundaries: gaining cooperation; coordinating resources: technical assistance for funding, planning, design; Multi-use trails & design: guidelines and information; and envisioning a Statewide Trail-ways Network: opportunities and priorities; and

WHEREAS, the task force members included official participation from the National Park Service, Michigan Departments of Natural Resources, Transportation, Community Health, the Governor’s Council on Physical Fitness, Health, and Sports, and Travel Michigan, Michigan Recreation and Park Association, various regional representatives from health, transportation, economic development agencies and regional trail groups and local representatives from county, municipal, and township jurisdictions, as well as individual trail advocates and statewide and local nonprofit groups; and

WHEREAS, the “Connection Michigan Statewide Trail-ways Vision and Action Plan” contains 39 goals on the previously identified topics and 109 action steps that will be acted upon over the next several years by a number of involved partners who have agreed to continue to collaborate; and

WHEREAS, the “Connecting Michigan Statewide Trail-ways Vision and Action Plan” works in conjunction with Governor Granholm’s recently released state trails initiative, “Michigan Trails at the Crossroads: A Vision for Connection Michigan”;

NOW, THEREFORE, BE IT RESOLVED, that we the City of Swartz Creek endorses the Connecting Michigan Vision to complete an interconnected statewide trail system, and commit to participating with each other and our many partners in collaborative effort to carry out the action steps necessary to achieve the Vision.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

Property Acquisition – Non-Motorized Trail System

Resolution No. 070723-08

(Carried)

Motion by Mayor Abrams,
Second by Councilmember Hicks,

WHEREAS, the City has designed a non-motorized trail-way system for recreational use that, when completed, will extend throughout the City connecting parks, retail, commercial zones, subdivisions and civic areas; and

WHEREAS, the City has begun the construction of its non-motorized trail-way system by incorporating the sections within the road transportation system via three-lane configuration with bicycle lanes on the outside; and

WHEREAS, the City’s Master Plan, adopted in October 2004, identifies the location of the City’s conceptual non-motorized trail-way system and site plans that have been under consideration by the City have been planned to accommodate the non-motorized trail-way system; and

WHEREAS, the City staff has negotiated with the owner of a parcel of property, Tax I.D. #58-36-400-007, that lies along the north side of the West Branch of the Swartz Creek east of Raubinger Road, for the purchase of said parcel to be used for a section of the planned non-motorized trail-way system; and

WHEREAS, an agreement has been reached for the sale of the parcel for \$10,000 (ten-thousand dollars) and the owner, Ken Pinder, Doing Business as Silver Creek Village, Inc., has executed a Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek enters into an agreement for the purchase of Parcel #58-36-400-007, in accordance with the terms as set forth in the Purchase Agreement, conditional upon the following changes:

1. The recital stating *“Whereas, Seller desires to sell a small, non-improvable portion of this parcel to an adjacent neighbor”* be removed, in its entirety, from the Purchase Agreement.

2. Section #10 of the Purchase Agreement, which reads as follows: *“Indemnification Agreement. At or before the closing on the sale of the property, the Buyer shall execute an indemnification agreement by which it shall agree to indemnify the City of Swartz Creek, its officers and members, and its respective employees and agents, from and against all claims, lawsuits, losses and expenses, including attorney fees, arising out of or resulting from the Buyers acquisition of the property and/or the Sellers transfer of the above mentioned split of property.”*, be removed in its entirety, from the Purchase Agreement.
3. A new section created as follows: “Survey. The buyer reserves the right to conduct a property survey, with acceptable findings, to verify dimensions, legal descriptions, lot lines, encroachments or other defects. Cost for the survey shall be the responsibility of the buyer.

BE IT FURTHER RESOLVED, that an amount not to exceed \$11,800 plus 10% contingency be appropriated from a Fund or Funds to be determined by the City Manager for the purchase of the property and for a survey, and further, directs the Mayor and City Clerk to execute the agreement and all associated documents pertaining to the closing, on behalf of the City.

Considerable discussion followed.

YES: Abrams, Adams, Christie, Hicks, Shumaker.
NO: None. Motion declared carried.

Street Use Permit – Police Department

Resolution No. 070723-09

(Carried)

Motion by Councilmember Adams,
Second by Councilmember Hicks,

The City of Swartz Creek approves the street use permit application, applicant Swartz Creek Police Department, for the closure of Holland Drive between Miller and Ingalls, on Saturday, August 18, 2007 from 9:00 AM to 5:00 PM, for the purpose of holding a youth “Bicycle Rodeo”.

Discussion took place.

YES: Abrams, Adams, Christie, Hicks, Shumaker.
NO: None. Motion declared carried.

Park Fee Waiver Request – Special Olympics

Resolution No. 070723-10

(Carried)

Motion by Mayor Pro-Tem Christie,
Second by Councilmember Adams,

The City of Swartz Creek approves the request of the Michigan Genesee-Lapeer Chapter of the Special Olympics, a not-for-profit organization, to waive the park use fee for Elms Road Park Pavilion #2, for Saturday, September 29, 2007, to conduct a "Walk-A-Thon" fundraiser.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion declared carried.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker advised two residents called regarding parking problems on Elms Road at the entryway and south of Elms Elementary. He suggested the problem could be alleviated if the School District closed access to the out-lot. City Manager Bueche stated he would speak to school personnel. Councilmember Shumaker inquired whether there will be a site plan submitted for usage on Miller Road properties where homes were recently demolished. City Manager Bueche believed MTA will bring a plan before the Planning Commission in September, and Council will probably see it in October.

Councilmember Adams asked for an update on the status of the traffic signals at Miller and Fairchild. City Manager Bueche stated relocation of Verizon lines is still necessary. Engineer Fleury explained he spoke to the contractor the day before, and they will be working on some of the removals and new concrete ramps to go in across Miller starting next week. Mr. Fleury noted they will then be completing wiring and hanging the signals. He believed all work should be completed prior to the start of school. Councilmember Adams reminded those present the School District previously stated when the signal went up buses would no longer go through Winchester Village. Councilmember Adams inquired regarding the Meijer's project. Assistant Manager Zettel advised they are redoing their construction schedule at present, most likely based on economics, other building projects, and the progress on the Morrish Road corridor. Councilmember Adams asked about the Fire Department evaluation. City Manager Bueche stated they have interviewed everyone in the City. In conclusion, Councilmember Adams congratulated Adam Zettel on the good job he's done with the Farmer's Market.

In regard to Councilmember Adams mention of buses in Winchester Village, Councilmember Shumaker stated the State Motor Vehicle Code gives the local Police Chief the right to designate bus routes.

Mayor Pro-Tem Christie noted the City's relationship with the School District is very good, and he didn't think there would be a problem in coordinating routes. Attorney Gildner advised the Mayor Pro-Tem and Council of the procedures under the City's blight ordinance in regard to the old Marathon station. City Manager Bueche spoke regarding the City's authority to take down the sign under abandonment provisions; however, he advised the existence of the sign is a good bargaining tool when trying to find a developer. Mayor Pro-Tem Christie mentioned the state park-and-ride lot off Silver Lake Road in the

Fenton area is lighted, and he hoped to see something more than just “palatable” in regard to MTA’s lot on Miller Road.

Mayor Abrams stated there is a lot of soliciting going on in Winchester Village, and he thought only charitable organizations could do so. Attorney Gildner noted his recollection is the same. City Manager Bueche advised the Police Chief is going to meet with the City Attorney regarding out-of-state non-profit companies who solicit in our area. Attorney Gildner advised he had written an opinion that there are only two exceptions – if you’re soliciting or selling goods made by you or your family or bona fide religious, educational or charitable groups.

ADJOURNMENT:

Resolution No. 070723-11

(Carried)

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

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 8:02 p.m.

Richard B. Abrams, Mayor

Juanita Aguilar, City Clerk