

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 03/12/07**

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, Christie, Hicks, Hurt, Porath, Shumaker.

Councilmen Absent: None.

Staff Present: City Manager Bueche, Deputy Clerk Korth, Engineer Fleury, and Attorney Gildner.

Others Present: Boots Abrams, Ken Harrison, Vickie, Harrison, Kathy Blankenship, Michelle Blankenship, Kathy Smith, Tommy Butler, Polly Butler, Bud Grimes, Eric Merriman, Ron Schultz, Jim Florence, Carl Carlson, Beth Perkins, and Andrea Beaudoin.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 070312-01

(Carried)

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

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held February 26, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

Resolution No. 070312-02

(Carried)

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

The Swartz Creek City Council hereby approves the Minutes of the Special Council Meeting held March 6, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 070312-03

(Carried as amended)

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

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of March 12, 2007, as amended by the addition of item 6N, Special Report Regarding Youth Program Donation, the change of item 8A, Raubinger Road Bridge Project to Discussion with Resolution Option, and the addition of item 8F, Camp 9-1-1 Resolution, then to be circulated and placed on file.

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

NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 070312-04

(Carried)

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

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

Discussion ensued.

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

NO: None. Motion declared carried.

All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Proclamation – Girl Scouts' "Make The World A Better Place" Week

Kathy Smith, Manager, and members of Girl Scout Troop 25 came forward upon request of the Mayor. Mayor Abrams then read and presented a proclamation to the Swartz Creek Carman Service Unit of the Fair Winds Council, and proclaimed March 11-17, 2007 as Girl Scouts Make The World A Better Place Week. Ms. Smith then gave Mayor Abrams a 95th Anniversary Girl Scout Pin. She also thanked Councilmember Hicks, who is a lifetime member of the Girl Scouts, for wearing her uniform today.

Carl Carlson, 5218 Raubinger Road, spoke in favor of accepting the Critical Funding Award and asked that the City go forward with repair of the Raubinger Road Bridge.

Ken Harrison, 5412 Raubinger Road, stated there is not sufficient benefit to residents of the City of Swartz Creek to justify spending \$160,000 to \$170,000 for this project. He believed it would serve to decrease the travel on a road that is not in good enough condition to handle large volumes of traffic anyway.

Virginia Carlson, a Raubinger Road resident for 37 years, noted she uses the road 2-4 times a day to get into Swartz Creek. She stated her belief that both the road and bridge need to be repaired.

Chuck Timmons, another Raubinger Road resident, spoke in favor of repairing the Raubinger Road Bridge, noting the road is used more than people might think. He also stated the apartment complex on Raubinger Road is an unattractive eyesore, noting the trash spilling over the dumpster at all times, with garbage, mattresses, furniture and the like all over the yard. Mr. Timmons suggested the City should have some kind of ordinance that would allow this situation to be taken care of. City Manager Bueche advised the City is aware of the problems, and is currently working to resolve the matter.

Ron Schultz, 4279 Springbrook, stated he had hoped when the Sign Ordinance was adopted something could be done to remove the “no trespassing” signs north of Cage Fieldhouse. City Manager Bueche advised the ordinance went into effect six days ago, and this sign situation will be dealt with soon.

COUNCIL BUSINESS:

Raubinger Road Bridge Project – Critical Funding Award

City Manager Bueche stated his assumption that those present are familiar with the situation, as it has been an issue for the past 18-24 months. Mr. Bueche advised new developments came to light at a meeting this afternoon with the Genesee County Road Commission and Gaines Township. He stated Supervisor Paul Fortino agreed to take this back to his Budget Committee to review a 50/50 split on the match portion by the City and the township. City Manager Bueche noted the amount would be \$50,000-\$80,000 for each unit depending on the outcome of the bid process. Mr. Bueche stated he is prepared to ask the State’s Critical Bridge Funding Committee to review and grant a one-year extension in order to consider a split in the matching portion of the grant.

After considerable discussion, it was the consensus of Council that action will be delayed a month regarding the Critical Funding Award.

Funding Commitment – Senior Center Base Grant Application

Resolution No. 070312-05

(Carried)

Motion by Councilmember Adams,
Second by Councilmember Hurt,

WHEREAS, the Genesee County voters have approved a millage tax to be used for the purpose of providing quality services to the aging population of Genesee County; and

WHEREAS, the Genesee County Board of Commissioners has designated Senior Citizens’ Centers as the focal points of access to Senior Citizens for services and activities within communities; and

WHEREAS, for 2007, the Genesee County Board of Commissioners has established a Base Grant Application process, through which recognized Senior Citizens' Centers may request a Base Grant up to \$151,673.00 for operational expenditures for January 1, 2007 through September 30, 2007; and

WHEREAS, the 2007 Base Grant Application requires commitment of any Local Governmental Unit that provided funding to a Senior Citizens Center, during their fiscal year concluding on or before December 31, 2006, to maintain provision of funds at the same level, and to that same Center during the 2007 Base Grant Program Year; and

WHEREAS, Genesee County requires approval of Operating Entities for Senior Citizen' Centers to submit Applications for the Senior Center 2007 Base Grant Program Funds.

WHEREAS, the City of Swartz Creek provides funding to the Swartz Creek Area Senior Citizens' Center, a 501(c)(3) entity, from a variety of sources, including a 0.5 mill voter approved levy through 2011, C.D.B.G. 15% services allotment, General Fund Contributions for a building and all associated expenses including, but not limited to water, sewer, electricity, gas, routine and capital repair, maintenance, cleaning, lawn care, and snow removal services; and

WHEREAS, The Swartz Creek Area Senior Center receives C.D.B.G. 15% services allotment from surrounding local units of government; and

WHEREAS, the City of Swartz Creek has worked with the Swartz Creek Area Senior Center and the Swartz Creek Community School District in searching for a mechanism for the funding and construction of a new Center as the existing Center no longer has the room and capacity to handle the growing needs of the Swartz Creek Area Seniors; and

WHEREAS, Genesee County has indicated that funding distributions from the 0.7 mill Senior Citizens' Levy cannot be used for capital improvements and must be used for operating and activity functions, and therefore, the City will seek not to levy its 0.5 mill operating levy and will look to place a ballot question before the voters in August 2007 asking for capital improvement funds to expand or construct a new Senior Citizens center.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Swartz Creek does hereby support the Application for the 2007 Base Grant Program Funds, to be filed by the Swartz Creek Area Senior Citizens Center, and commits to maintain local funding support consisting of C.D.B.G. 15% services allotment, General Fund Contributions for the current building and all associated expenses including, but not limited to water, sewer, electricity, gas, routine and capital repair, maintenance, cleaning, lawn care, and snow removal services, at the same level as during the Center's last Fiscal Year.

Discussion took place.

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

Appropriation & Bid Award – Lawn Care Services

Resolution No. 070312-06

(Carried)

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

The City of Swartz Creek accepts the low bid of \$850 per cut, from Leedle's Lawn Care of Gaines, Michigan, for lawn mowing services as per the specifications set forth in the bid package, and directs the City Manager to draft and execute a contractor's services agreement, period extending from April 2007 through October 2009.

Discussion ensued.

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

Appropriation – Ordinance Codification

Resolution No. 070312-07

(Carried)

Motion by Councilmember Porath,
Second Councilmember Hurt,

The City of Swartz Creek appropriates an amount not to exceed \$7,460, plus 10% contingency, to Municode of Tallahassee, Florida for the codification and conversion to electronic files of the City's Ordinances, in accordance with the terms of the proposal attached hereto, and further, directs the City Manager to make the appropriate budget adjustments from Fund Balance to City Clerk, Fund 101, Department 215.

Discussion ensued.

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

Appropriation and Appointment – Fire Evaluation

Resolution No. 070312-08

(Carried)

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

WHEREAS, the City of Swartz Creek and the Township of Clayton adopted the following resolution on September 25, 2006:

Resolution No. 060925-07**(Carried)**

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

WHEREAS, *the Township of Clayton and the City of Swartz Creek provide fire services under a joint agreement extending through March 31, 2008 and have provided such services for more than 30 years; and*

WHEREAS, *the agreement establishes a fire board that oversees the operational activities of the Fire Department; and*

WHEREAS, *the agreement provides that the Fire Board recommend funding and service levels to the Township of Clayton and the City of Swartz Creek; and*

WHEREAS, *upon recommendation, the participating governmental entities, through negotiation followed by resolutions of the respective boards, establish funding levels for the fiscal year; and*

WHEREAS, *Fire Board requests for substantial increases in capital purchases and operating expenses have brought concern for the current and future needs and adequate level of services provided by the Fire Department; and*

WHEREAS, *the Township of Clayton and the City of Swartz Creek are charged with providing a variety of governmental services and determining both the funding mechanism and the adequacy for all such services; and*

WHEREAS, *both governmental entities need vital information such as comparative wage analysis, reasonable and adequate fire service levels, reasonable and adequate apparatus and equipment inventory, purchase and replacement for both long and short term schedules, for the purpose of making qualified and responsible funding decisions to provide fire services for the municipalities; and*

WHEREAS, *the Township of Clayton and the City of Swartz Creek look to seek short and long term funding goals to stabilize the Fire Department and, in accomplishment of this, desire to work with the Fire Board to determine the effectiveness of the Fire Chief through evaluation, contract and consultant studies;*

NOW, THEREFORE, BE IT RESOLVED *that the City of Swartz Creek, in conjunction with the Township of Clayton, place an immediate freeze on all non budgeted expenses, and further, hold all increases in fiscal year 2007 to a level not to exceed 2006 budgeted expenses, for the purpose of determining and/or accomplishing the following:*

- A. *Evaluate the effectiveness of the Fire Chief by use of consulting services, in conjunction and cooperation with the Fire Board, for recommendation to the Fire Board on the stabilization of command services and funding.*
- B. *Determine a reasonable and adequate level of fire service, inclusive of labor needs, as it pertains to funding and projections, by use of comparatives and consultant services.*

- C. *Determine adequate and competitive compensation and wage packages for all levels within the Fire Department, as it pertains to funding and projections, by use of comparatives and consultant services.*
- D. *Determine a reasonable and adequate equipment inventory and replacement schedule, as it pertains to funding and projections, by use of comparatives and consultant services.*
- E. *Determine a reasonable and adequate apparatus inventory and capital replacement schedule, as it pertains to funding and projections, by use of comparatives and consultant services.*
- F. *Evaluate and determine the effectiveness of mutual aid agreements and how they may serve to promote sharing of apparatus inventories and/or the reduction of capital investments, as it pertains to funding and projections, by use of comparatives and consultant services.*

BE IT FURTHER RESOLVED that the City of Swartz Creek, in conjunction with the Township of Clayton, direct the City Manager to prepare and distribute a Request for Proposal to seek qualified firms to assist in determining solutions to the issues as presented within, and bring all such responses before the City Council for final determination and appropriation.

BE IT FURTHER RESOLVED that the City of Swartz Creek, in conjunction with the Township of Clayton, direct the City Manager to present a copy of this resolution to the Swartz Creek Area Fire Board along with a request to appoint a Fire Board representative to work with the City Manager and Township Supervisor in the drafting, qualification determinations and return evaluation of proposals.

YES: Abrams, Christie, Hurt, Shumaker.
 NO: Porath. Motion declared carried.

and

WHEREAS, the City Manager and the Township Supervisor have interviewed two professional firms discussing two types of evaluations, a full Departmental Evaluation and a Service’s Level with Wages and Capital Investment Program; and

WHEREAS, in review of proposals and interviews with the consultants from both firms, Rehmann-Robson Mr. Mark Nottley and TFC Enterprises, Mr. Thomas French, it was determined that the qualifications and experience of Mr. Nottley by far exceeds that of Mr. French for this type of evaluation; and

WHEREAS, after discussion and negotiation, the cost for a full evaluation is as follows:

Rehmann-Robson:	\$17,000 (not to exceed)	
TFC Enterprises:	\$16,320 (capped @ 6 weeks)	and

WHEREAS, Mr. Nottley strongly recommends and advises that a full evaluation is the proper and only way to proceed if we desire to ascertain a comprehensive report for making future decisions on all aspects of providing effective fire safety to the community; and

WHEREAS, the services supplied by both consultants are professional and specialized in nature, and therefore, allows for deviation from the City – Township typical and usual bid and/or purchasing practices and ordinances, and upon comparison, Mr. Nottley has unquestionable experience and it is believed that an impartial, accurate and fair analysis will be conducted.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek hereby approve the appointment of Mr. Mark Nottley of Rehmann-Robson, contingent upon Clayton Township Board approval, to conduct a full evaluation of the Fire Department, and to work with the City Manager, Township Supervisor and Fire Board Chairman, and upon completion to bring such evaluation back to the City Council, the Township Board for review, discussion and decision of implementation, and further, appropriate an amount not to exceed \$8,500, the City's half of the total amount of \$17,000, funds to be taken from general fund balance along with appropriate budget amendments.

Discussion took place.

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

NO: None. Motion declared carried.

Accept Donation – Camp 9-1-1

Resolution No. 070312-09

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council accepts the donation of \$100 from the Loyal Order of Moose Lodge, Durand, funds to be used for the City's Camp 9-1-1 Program; and, further, that the Mayor follow up with a thank you letter from the Swartz Creek City Council and Camp 9-1-1 Program.

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

NO: None. Motion declared carried.

MEETING OPENED TO THE PUBLIC:

Eric Merriam, 1490 S. Morrish Road, who is the Assistant Fire Chief of the Swartz Creek Area Fire Department, expressed a certain amount of uneasiness regarding the Fire Evaluation. He asked that the City and Township make sure this is a fair and equitable assessment.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath expressed his belief the Fire Evaluation will benefit both the City of Swartz Creek and Clayton Township, and hoped this will identify what the needs will be in the future.

Councilmember Shumaker inquired whether the 4-hour parking limit signs in the alley off Morrish Road are working. City Manager Bueche stated they seem to be; but, there is currently no enforcement mechanism, which should be in place in 2-4 weeks. Councilmember Shumaker also asked if the dumpsters in other apartment complexes are a problem, and should they be looked at too. City Manager Bueche advised this appears to only be a problem at the Raubinger Road apartment complex. Councilmember Shumaker asked if the meter settings are being done by staff or an outside source. Mr. Bueche stated he believed City DPS staff is handling that, but would check on it and advise him.

Councilmember Adams again stated the Raubinger Road Bridge project should be motivated by Gaines Township. Councilmember Adams noted he was initially unsure of the Fire Department evaluation, but believed it to be more of a confidence issue and now deemed it a good step to take.

Councilmember Hurt questioned whether Representative Clack's invitation to a meeting on medical access was directed to them as members of Council, and City Manager Bueche advised it was. Mr. Bueche was unsure whether it included the general public also, noting it was a specific invitation to the administrative staff and Council.

Mayor Pro-Tem Christie mentioned a donation drop at the Swartz Creek Party Store, inasmuch as the City required Goodwill Industries to move their drop station to the back of the Kroger plaza. The Mayor Pro-Tem also mentioned a trailer that appears to be a permanent fixture at the party store. City Manager Bueche advised he will look into how it was handled previously and what the City's options might be. Mayor Pro-Tem Christie noted on his invitations to the Flint Area Ambassador City Summit it mentions what infrastructure and technology is needed to attract business to Flint-Genesee County, and yet a Saginaw mailing company sent out the invitations. He advised the Creek Committee meeting he attended this evening on behalf of the upcoming school bond election had a nice turnout, and he hoped the electorate would be well informed. Mayor Pro-Tem Christie expressed appreciation for Assistant Fire Chief Merriam's comments.

Mayor Abrams stated he was pleased the Girl Scouts were at tonight's meeting, and indicated his family enjoys a lifetime involvement with the organization. Mayor Abrams inquired if the City Manager had any response to his letter to the Seymour Road property owners regarding paving. Mr. Bueche answered he had not. The Mayor reminded those present the MML Legislative Conference is on March 21st, and that the Governor will be at the luncheon.

ADJOURNMENT:

Resolution No. 070312-10

(Carried)

Motion by Councilperson Hurt,
Second by Councilmember Shumaker,

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 8:34 p.m.

Richard B. Abrams, Mayor

Deanna Korth, Deputy Clerk