

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 05/29/07**

The meeting was called to order at 7:01 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, Hurt, Porath, Shumaker.

Councilmen Absent: Hicks.

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

Others Present: Terry O'Brien, Tommy Butler, Sharon L. Klein, Boots Abrams, Bud Grimes, Dennis Kellett, and Harvey Lee.

**Resolution No. 070529-01**

**(Carried)**

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

The Swartz Creek City Council excuses the absence of Councilmember Hicks due to a prior engagement.

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

NO: None. Motion declared carried.

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 070529-02**

**(Carried)**

Motion by Councilmember Porath,  
Second by Councilmember Shumaker,

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held May 14, 2007, to be circulated and placed on file.

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

NO: None. Motion declared carried.

**Resolution No. 070529-03**

**(Carried)**

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

The Swartz Creek City Council hereby approves the Minutes of the Special Council Meeting held May 21, 2007, to be circulated and placed on file.

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

**APPROVAL OF AGENDA:**

City Manager Bueche distributed to Council a memorandum regarding receipt of required permits for Hometown Days activities.

**Resolution No. 070529-04** **(Carried)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The Swartz Creek City Council approves the agenda as presented and printed, for the Regular Council Meeting of May 29, 2007, then to be circulated and placed on file.

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

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 070529-05** **(Carried)**

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

The Swartz Creek City Council approves the City Manager's Report of May 29, 2007, to be circulated and placed on file.

Discussion ensued.

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

After further discussion, all other reports and communications were accepted and placed on file.

**MEETING OPENED TO THE PUBLIC:**

Dennis Kellett, 5205 Helmsley Drive, spoke regarding parents of students from Syring parking on the wrong side of the road not being issued tickets by the Police Department.

**COUNCIL BUSINESS:****Presentation, Harvey Lee – Appoint City Benefits' Broker**

Mr. Bueche noted Harvey Lee will give a short presentation regarding what his company can provide the City. Mr. Lee distributed and went over a fact sheet regarding Total Benefit Systems. He noted because Total Benefit Systems is located in the area, employees can be sent to them, thereby relieving in-house staff from handling what often are sensitive issues.

City Manager Bueche advised he would like to hire Total Benefit Systems as our new benefits' broker for the reasons stated in tonight's Manager's Report. He elaborated regarding the legislation that makes it difficult to administer benefits, particularly relating to health insurance.

**Resolution No. 070529-06****(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

The City of Swartz Creek appoints Total Benefit Systems, of 5151 Gateway Centre, Suite 200, Flint, Michigan 48507, to act as an agent-broker on behalf of the City of Swartz Creek, under the supervision and direction of the City Manager, for the purpose of negotiating competitive employee fringe benefit and insurance packages and proposals and to mitigate employee complaints, problems and issues; and, further, to allow the release of necessary information within the parameters of Federal and State privacy protection statutes and regulations.

Discussion took place.

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

**Appropriation and Bid Award – Purchase Road Salt****Resolution No. 070529-07****(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

**Whereas**, the City possesses the need to purchase 980 tons of rock salt for application to public rights of way during those long, cold Michigan winters; and

**Whereas**, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

**Whereas**, the Genesee County Road Commission accepts and awards bids for the purchase of rock salt for application to public rights of way during those long, cold Michigan winters; and

**Whereas**, a bid has been awarded to the lowest bidder, Detroit Salt Company of 12841 Sanders, Detroit, at a unit cost of \$32.88 per ton, a copy of the bid tabulation attached hereto, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission.

**Now, Therefore, Be It Resolved, that** the Swartz Creek City Council accepts the Genesee County Road Commission’s cooperative purchasing extension and appropriates an amount not to exceed \$32,222, plus 10% contingency, for the purchase of rock salt from the low bidder of Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City’s Finance Department.

Discussion ensued.

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

**Consumers Energy Agreement – Miller-Elms Safety Project**

**Resolution No. 070529-08 (Postponed by Reso. No. 070529-09)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The City of Swartz Creek appropriates an amount not to exceed \$500 to Consumers Energy, work order #06653920, the removal of a guide wire on the southwest corner of Miller and Elms Roads, and further, directs the Mayor and City Clerk to execute an agreement with Consumers Energy, a copy of which is attached hereto.

After considerable discussion, it was decided Council should postpone action on this matter until further investigation by the City Attorney.

**Resolution No. 070529-09 (Carried)**

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

The City of Swartz Creek postpones action on Resolution No. 070529-08, Consumers Energy Agreement – Miller-Elms Safety Project, until such time as the City Attorney can review said agreement.

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

**Park Fee Waiver Request – Cub Scout Pack 357**

**Resolution No. 070529-10**

**(Carried)**

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

The City of Swartz Creek approves the waiver of all fees for the use of Elms Road Park Pavilion #3 on Saturday, June 30, 2007, between 10:00 AM and 8:00 PM, for Cub Scout Pack #357, a not-for-profit community service organization.

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

**Park Fee Refund Request**

**Resolution No. 070529-11**

**(Carried)**

Motion by Councilmember Adams,  
Second by Councilmember Hurt,

The City of Swartz Creek approves the park usage fee refund request of Alberta Dillard, of 8261 Crapo Street, in the amount of \$75.

Discussion took place.

YES: None.  
NO: Abrams, Adams, Christie, Hurt, Porath, Shumaker. Motion failed.

**Summer Intern Program**

**Resolution No. 070529-12**

**(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

The City of Swartz Creek approves the hiring of Nathan Beauchamp of East Lansing, Michigan as a college summer intern, various tasks to include utility inventory, façade program development, sidewalk inventory, asset inventory and other miscellaneous administrative tasks, at an hourly rate of \$10, total wage not to exceed \$3,500.

Discussion ensued.

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

**Farmers' Market**

**Resolution No. 070529-13**

**(Carried)**

Motion by Councilmember Porath,  
Second by Councilmember Hurt,

The City of Swartz Creek approves the use of the Swartz Creek City Hall Parking Lot and adjoining civic areas to conduct a Sunday Summer Farmers' Market.

Discussion took place.

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

**Comcast Franchise Agreement**

City Manager Bueche spoke regarding the local franchise agreement from Comcast precipitated by the new uniform franchising act recently passed by the State. He noted unfortunately the paperwork was misplaced, and the City is beyond the period for meeting requirements set forth in the statute.

After additional discussion, it was determined staff should immediately enter into the franchise agreement with Comcast. City Manager Bueche advised a resolution would be in order.

**Resolution No. 070529-14**

**(Carried)**

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

The Swartz Creek City Council authorizes the City Manager to enter into a Franchise Agreement with Comcast as soon as possible, with a 5% franchise fee; and, further, directs the Mayor and City Clerk to execute the agreement on behalf of the City.

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

**MEETING OPENED TO THE PUBLIC:**

Tommy Butler, 40 Somerset, commended the Police Department for their actions he recently witnessed. Mr. Butler also spoke in favor of the Farmers Market, stating City kids often don't know how farms work and where the food comes from.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath asked how you can dispose of mercury thermometers. It was suggested by Councilmember Shumaker that he contact the County Health Department, and that the household hazardous waste collections he takes part in do accept mercury. Councilmember Porath inquired whether the Syring parking problem would have been alleviated if the school millage had passed. City Manager Bueche answered affirmatively, stating they would have constructed a turnaround circle and added more parking. Councilmember Porath questioned why Council had received the notices of public hearings from the City of Detroit. City Manager Bueche advised we get our water from the City of Detroit, and are now included in the process, pursuant to settlement of litigation. He noted the composition of the Board of Water Commissioners should include representation for local units involved, such as the City of Swartz Creek.

Councilmember Shumaker spoke regarding problems at Burkeshire Pointe, and asked that City staff investigate and report back. City Manager Bueche advised they are aware of the problems. Councilmember Shumaker commented on information he didn't feel was necessary to provide in the Fire Report and Monthly DPW Report.

Councilmember Adams stated he understood the frustration of the resident regarding parking for Syring School, but suspected a ticket would not have been issued to him if he hadn't left his vehicle on the road overnight.

Councilmember Hurt noted the resident is correct inasmuch as the situation at Syring Elementary is lawbreaking, and they're getting away with it. He gave instances of how they impede traffic, and stated this sets bad examples for the kids. Councilmember Hurt suggested a police officer should be in the area every morning and afternoon.

Mayor Pro-Tem Christie agreed with Councilmember Hurt's remarks regarding parking at Syring. He suggested the City might change its park reservation policy to include making copies of driver licenses to make sure they reside in the City and for emergency situations. City Manager Bueche advised he asked Tom Svrcek to take this back to the Park Board for review regarding rules and fees. Mayor Pro-Tem Christie felt the City should look into billing Consumers, because he knows other communities who require it and get paid. Mayor Pro-Tem Christie inquired regarding the Swartz Ambulance still being in the old location. He was advised the sale has been held up, but should be finalized very soon. The Mayor Pro-Tem expressed interest in attending the Michigan Municipal League conference in September.

Mayor Abrams stated he agrees with Councilmember Hurt regarding the cars at Syring Elementary, and noted Winshall Drive near the baseball diamond is another bad situation when activities are going on.

**EXECUTIVE SESSION:****Resolution No. 070529-15****(Carried)**

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

The City of Swartz Creek Council, at the request of the City Manager, enters into executive session for the purpose of discussing the pending supervisors' labor contract.

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

NO: None. Motion declared carried.

Mayor Abrams called for a recess at 8:50 p.m. The Mayor declared Council in Executive Session at 9:02 p.m. Executive Session ended at 9:29 p.m.

**ADJOURNMENT:**

There being no objections, Mayor Abrams adjourned the meeting at 9:29 p.m.

Richard B. Abrams, Mayor

Juanita Aguilar, Deputy Clerk