

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 10/08/2007**

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: Mayor Abrams, Mayor Pro-Tem Christie, Hicks, Hurt, Shumaker

Councilmen Absent: Adams, Porath

Staff Present: City Manager Bueche, City Clerk Aguilar, Attorney Figura, Asst City Manager Zettel, Amy Nichols, Tom Svrcek.

Others Present: Tommy Butler, Boots Abrams, Lou Fleury, Bob Plumb, Robyn Rosenthal, Brent Cole.

Mayor Abrams announced, with sadness, the death of former police Chief Ray Adams.

**Resolution No. 071008-01**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

The Swartz Creek City Council excuses the absence of Councilmember Porath, who is absent due to work commitments, and Councilmember Adams, who is absent due to the death of his father.

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

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 071008-02**

**(Carried as amended)**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Hurt

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting, as corrected, held September 24, 2007, to be circulated and placed on file.

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

**APPROVAL OF AGENDA:**

City Manager Bueche requested that the presentation by Nathan Beauchamp, for the overhead utilities, be placed aside until Mr. Beauchamp can arrive from Lansing. Mayor Abrams granted the delay.

**Resolution No. 071008-03 (Carried )**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of October 8, 2007, then to be circulated and placed on file.

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

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 071008-04 (Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

The Swartz Creek City Council approves the City Manager's Report of October 8, 2007, to be circulated and placed on file.

Discussion took place.

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

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

**MEETING OPENED TO THE PUBLIC:**

Tommy Butler, 40 Somerset, wanted to commend the police Chief Rick Clolinger for directing traffic for a fellow officer who was attending to a traffic accident.

**COUNCIL BUSINESS:**

**Overhead Utilities**

Presentation by Nathan Beauchamp delayed until his arrival.

**Seymour Road Project, MDOT-Local Agency Jobs Today Agreement**

**Resolution No. 071008-05**

**(Carried)**

Motion by Councilmember Hurt  
Second by Mayor Pro-Tem Christie

**WHEREAS**, the City of Swartz Creek, a Michigan Municipal Corporation, is a local government unit eligible to receive funding under the Transportation Equity Act; and,

**WHEREAS**, the City of Swartz Creek has identified a need to repair Seymour Road between Miller and Hill Road, such repairs inclusive of the widening of a section from Miller Road south, in conformance with the plans prepared by the City’s consulting engineer; and,

**WHEREAS**; the City of Swartz Creek, a Street Authority belonging to the Genesee County Metropolitan Planning Organization, submitted the project and was subsequently approved for funding in the 2008 Genesee County MPO Traffic Improvement Program; and

**WHEREAS**, the City Council has considered the making of such improvements in open session following the hearing of comments on the need for the improvements from the City’s Engineer, Staff and from the public, and further, design engineering plans have been drafted, submitted and approved by the Michigan Department of Transportation; and,

**WHEREAS**, the Seymour Road Project has been let for bid by the Michigan Department of Transportation using Surface Transportation Program funding sources in conjunction with the State of Michigan Governor’s Jobs Today, Construction Pull Ahead Program, final projected project costs as follows:

	Grant Funded	City Match	Total
Seymour Road Project	<b>\$630,000</b>	<b>\$54,000</b>	<b>\$684,000</b>

**WHEREAS**, participation in the Governor’s Jobs Today Construction Pull Ahead Program requires the City’s deposit of \$375,000, such funding to be repaid upon the release of the United States Federal Highway

Administration's Surface Transportation Program Funding for the year in which the project was originally scheduled for construction, being 2008; and

**WHEREAS**, the City's Charter empowers the Mayor and City Clerk, upon a four-vote affirmative, to execute agreements on behalf of the City, and as of this date, October 8, 2007, Richard B. Abrams holds the office of Mayor and Juanita Aguilar holds the office of City Clerk

**NOW, THEREFORE**, be it resolved that the City of Swartz Creek appropriate an amount not to exceed \$375,000 from Fund 202 Major Streets, to the Michigan Department of Transportation, the City's deposit for the Seymour Road Re-Surfacing Project, in accordance with the terms set forth in the attached agreement, and further, direct the Mayor and City Clerk to enter into and execute the agreement between the City of Swartz Creek and the Michigan Department of Transportation.

Discussion ensued.

YES: Shumaker, Abrams, Christie, Hicks, Hurt

NO: None. Motion Declared Carried.

**Elms Road Re-Surfacing Project, Appropriate Design Engineering, Enter into Jobs Today Program**

**Resolution No. 071008-06**

**(Carried)**

Motion by Mayor Pro-Tem Christie  
Second by Councilmember Shumaker

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$30,000 from Fund 202, Major Streets, to the City's Engineering Firm Rowe Incorporated, for design engineering for the mill, repair and re-surfacing of Elms Road from the I-69 viaduct to the City's north limits, and further, direct the City's Engineer and staff to pursue an agreement for participation in the Governor's Jobs Today Construction Pull Ahead Program, the City's share to be set up as a loan, and further to bring the agreement back to the City Council for review and approval.

YES: Shumaker, Abrams, Christie, Hicks, Hurt

NO: None. Motion Declared Carried.

**Miller Road Repair, Bid Specification Appropriation**

**Resolution No. 071008-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

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**I Move** the City of Swartz Creek appropriate an amount not to exceed \$2,238 to the City's Engineer, Rowe Incorporated, for the analysis and preparation of construction drawings, contract documents, specifications, estimates, bid package and bid process oversight for the repair of Miller Road between Elms and Bristol, and further, seek competitive bids for the needed work and repair of Miller Road between Elms and Bristol, as determined by the City's Staff and Engineer, and further, to bring all results back to the City Council for review, determination and approval and award.

Discussion took place.

YES: Abrams, Christie, Hicks, Hurt, Shumaker  
NO: None. Motion Declared Carried.

**Local Street Repairs, Design Engineering Appropriation**

**Resolution No. 071008-08**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$4,460 from Fund 203 and/or 202 as determined by the City's Finance Director, to the City's Engineering Firm Rowe Incorporated, for the design, analysis and estimates of the repair, mill and re-surfacing of Chesterfield Drive between Seymour and Winston, Jennie Lane, Worchester Drive between Winston and Daval and Daval Drive between Oakview and Winshall, and further, prepare contracts and negotiate with the contractor(s) who receive the MDOT bid awards for the Seymour and Elms Road projects to extend such pricing for time materials and quantities, and bring all such agreements back to the City Council for review, determination and final approval.

Short presentation by Asst. City Manager Adam Zettel.

Discussion ensued.

YES: Christie, Hicks, Hurt, Shumaker, Abrams  
NO: None. Motion Declared Carried.

**Appropriation and Approval, 2008 Fiscal Fire Budget**

**Resolution No. 071008-09**

**(Carried)**

Motion by Councilmember Hurt  
Second by Mayor Pro-Tem Christie

The City of Swartz Creek approves the 2008 Swartz Creek Area Fire Budget, a copy of which is attached hereto; and, further, appropriates and authorizes funds in the amount of \$149,000 from the City General Fund, to be paid consummate of the agreement between the City of Swartz Creek and the Charter Township of Clayton,

payment being the City's obligation of one-half of the proposed total budget of \$298,000.

Mayor Abrams introduced Fire Chief Brent Cole who was available for questions.

Discussion took place.

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

NO: None. Motion Declared Carried.

Meeting was adjourned at 7:48pm, while waiting for Nathan Beauchamp to arrive and give his presentation.

Meeting was re-convened at 8:04 pm.

### **Overhead Utilities**

Presentation by Intern Nathan Beauchamp.

Mr. Beauchamp talked about the many pictures he took of utility poles in the City. He spoke about the details of the poles and why the City wanted the study done. Mr. Beauchamp talked about the dangerous nature of the utility poles. Mr. Beauchamp talked about making a formal complaint to the MPSC.

Discussion took place.

### **MEETING OPENED TO THE PUBLIC:**

Boots Abrams talked about the Fall decorations in the city and reported that several residents made comments to her about how good the city looks.

### **REMARKS BY COUNCILMEMBERS:**

Councilmember Shumaker commented on the re-current problem on Miller Rd, on the West end, where several cars are again for sale. Mr. Shumaker spoke next about the decals on the DPS vehicles. Mr. Shumaker stated that they were nice, however they were cartoonish and not professional. He stated that the decals should be on the doors and be where they can be seen. Mr. Shumaker wants a decal added to the doors. City Manager Bueche stated that he would look into it.

Councilmember Hurt commented that he was glad that the legislature in Lansing was able to come up with a budget, and to balance the budget.

Mayor Pro-Tem Christie stated that he had promised the Fire Board to have a proposed by-laws change before the Council. He stated that he was not prepared with that.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:37 p.m.

Richard B Abrams, Mayor

Juanita Aguilar, City Clerk