

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 09/24/2007**

The meeting was called to order at 7:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive. Meeting was recessed while waiting for Mayor Pro-Tem Christie to return to Council Chambers. Meeting was re-called to order at 7:02 p.m.

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, Deputy Clerk Korth, Attorney Figura, Police Chief Rick Clolinger, Ofc. Rick Deshano, Asst City Manager Zettel, Amy Nichols.

Others Present: Tommy Butler, Bud Grimes, Lou Fleury, Robyn Rosenthal, Steve Shumaker, Joe & Sherry Kudwa, Sarah & Rodney Crow, Bob Plumb, John Gilbert, Bill Morgan, Boots Abrams.

**Resolution No. 070924-01**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Hicks

The Swartz Creek City Council excuses the absence of Council members Porath and Adams who are absent due to work commitments.

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

NO: None. Motion declared carried

**Proclamations**

Mayor Abrams awarded a proclamation to the Crow/Kudwa family for their work at the Veteran's Memorial. The Crow/Kudwa family has worked diligently at the Memorial despite not being residents of the City of Swartz Creek. Honorary citizenship to the City of Swartz Creek was awarded to the family.

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 070924-02**

**(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 10, 2007, to be circulated and placed on file.

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

**APPROVAL OF AGENDA:**

**Resolution No. 070924-03** **(Carried )**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

The Swartz Creek City Council approves the agenda for the Regular Council Meeting of September 24, 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. 070924-04** **(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

The Swartz Creek City Council approves the City Manager's Report of September 24, 2007, to be circulated and placed on file.

Discussion took place.

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

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

**MEETING OPENED TO THE PUBLIC:**

Tommy Butler, 40 Somerset, wanted to commend those working on the Raubinger Rd. bridge project. Mr. Butler also wanted to speak to two other items, the first being the light at Fairchild and Miller. Mr. Butler was concerned that there was no sign indicating no right turn on red at that intersection. He stated that he witnessed an episode whereby kids were crossing Miller Rd to go to school, and cars were turning right on red, which he believes is

a danger to those children. Second, Mr. Butler wanted to speak about the hydrant located at Elms and Miller Rds. He stated that he saw a truck filling his tank from the hydrant. Mr. Butler stated that he went back later and saw that behind the meter, water was leaking from the hydrant. City Manager Paul Bueche stated that MDOT was using the water for the I-69 bridge project and that he was aware of a small leak there. Mr. Bueche stated that with the rate that MDOT is paying for bulk water, a small leak would not affect much. City Manager Bueche stated that the City would check into the situation.

Boots Abrams spoke about Community Spirit this fall. The Swartz Creek Women's Club would like local businesses to decorate their business for the months of October and November. The women's club encourages the scout troops, NHS, etc to join in the endeavor by decorating the City Hall, Fire Department, Post Office, Library, and any empty park areas. All entries will be judged the week of October 21, 2007 and the most creative, original displays will receive a framed award to hang in their business. A ribbon will be given to first, second, and third place displays. Any questions, call Monte Morgan, who is the chairperson.

**COUNCIL BUSINESS:**

**Police Canine Program**

**Resolution No. 070924-05**

**(Carried)**

Motion by Councilmember Hurt  
Second by Mayor Pro-Tem Christie

**WHEREAS**, the use of canines in Law Enforcement has become an accepted and beneficial practice in the track pursuit of fleeing criminals, lost citizens, crowd control, detection and identification of controlled substances and public relations; and

**WHEREAS**, a canine program would be beneficial to the City in the track pursuit of fleeing criminals, lost citizens, crowd control, detection and identification of controlled substances and public relations, specifically within the schools located in the City; and

**WHEREAS**, the first year cost, inclusive of startup expenses, is projected to be \$27,777, the second year estimated costs to be \$28,562; and

**WHEREAS**, a donation from the Officer Jessica Nagle-Wilson Charitable Foundation, a Hazel Park Police Officer feloniously killed in the line of duty in July 2002, in the amount of \$15,000, has been pledged by the foundation for the canine program and further, the Police Department has received other donation commitments for veterinary services, equipment, food and medications; and

**WHEREAS**, the Chief of Police has recruited a Full Time Officer willing to undergo the training requirements and other burdens of upkeep and maintenance of a canine program, the officer currently budgeted within 101-301 General Fund.

**NOW THEREFORE BE IT RESOVED**, that the City of Swartz Creek hereby approve a Police Canine Program to be operated under the direction and control of the Chief of Police, and further:

- A.** Approve the creation of Department 304, General Fund 101 and the establishment of a budget in accordance with the budget worksheet submitted and attached hereto, inclusive of all anticipated revenues, donations and expenses.
- B.** Appropriate a transfer not to exceed \$5,500 from the General Fund unencumbered unreserved fund balance, City's match portion of the program
- C.** Approve a budget transfer of \$21,000 from 101-301 General Fund General Police Patrol Services to the newly created 101-304 Police Canine Program.
- D.** Authorize the City Manager to execute a letter of understanding between the City and the Police Union, Police Officers Labor Council, which bridges any contractual conflicts in the use of flextime, promotional disputes, and any other similar labor matters in connection with the program.
- E.** Gratefully accept the generous charitable grant from the Officer Jessica Nagle-Wilson Charitable Foundation and all other donations or services pledged in connection with the program, all such funds to be deposited into, and earmarked solely for expenditure for the canine program and its associated costs.
- F.** Direct the Mayor and City Clerk to execute an agreement with the Officer Jessica Nagle-Wilson Charitable Foundation for the acceptance and use of the funds, such agreement to substantially correspond with the program as presented and approved by the City Council and approved by the City Manager and City Attorney.
- G.** Appropriate an amount not to exceed \$9,500 to the Mid-Michigan Kennels of Eaton Rapids Michigan for the purchase of a police canine and related training, plus actual and necessary expenses related to such training.
- H.** Direct the Chief of Police to implement a program policy and procedure that substantially corresponds to the program and policy as discussed and approved by the City Council, such policy to be reviewed and approved by the City Manager and City Attorney.
- I.** Direct quarterly reports and updates to be brought before the Council for review.

Presentation and Discussion took place.

YES: Abrams, Christie, Hicks, Hurt

NO: Shumaker

**Seymour Road Project, Appropriation & Contract, Construction Engineering Services**

**Resolution No. 070924-06**

**(Carried)**

Motion by Mayor Pro-Tem Christie

Second by Councilmember Hurt

**WHEREAS**, the City applied for, and was awarded funding through the Genesee County MPO Traffic Improvement Program and accepted by MDOT, for crush, mill, reshaping, resurfacing, crack and joint repair and widening of 850' of South Seymour Road between Miller and Hill Roads; and

**WHEREAS**, the Seymour Road project is a Traffic Improvement Program Jobs Today Pull Ahead Project the MDOT has obliged funds for construction, such construction to be let for bid on September 28, 2007, construction to be performed and completed in the summer of 2008; and

**WHEREAS**, the City bid for engineering services using the Qualification Based Selection Process and appointed the firm of ROWE, Inc., to a three year contract on June 13, 2005, as its Professional Engineering Consultant; and

**WHEREAS**, design plans have been drafted by the City's engineering firm, Rowe Incorporated, for the crush, mill, reshaping, resurfacing, crack and joint repair and widening of 850' of South Seymour Road between Miller and Hill Roads, design plan having been accepted by MDOT; and

**WHEREAS**, total project costs, are estimated to be \$681,250; and

**WHEREAS**, the City's contracted engineering firm, Rowe, Incorporated has submitted a proposal for construction engineering, testing and inspection services associated with the design, a copy of the contract attached hereto, amount of such services calculated on a time and materials basis, capped at \$81,734.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek accept the proposal of Rowe, Inc., and appropriate funding in the amount of \$81,734, plus 10% contingency, for all associated and necessary costs related to construction engineering, testing and inspection services, in accordance with the Third Party Agreement attached hereto, funding to be allocated from Major Street 202 Seymour Road T.I.P. Project.

Discussion took place.

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

Mayor Pro-Tem Christie asked for and received a 5 minute recess.  
Meeting Re-Convened at 8:35pm.

**Water-Sewer Rates, Proposed County Ordinance**

**Discussion Topic**

Presentation by Assistant City Manager Zettel.

**START HERE**

Discussion followed.

**Amendments, 2001 Water & Sewer Contracts**

**Resolution No. 070924-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek adopt the amendments to the 2001 restated base agreements for Water & Sanitary Sewer services, as presented by the Genesee County Drain Commissioner's Office, Division of Water & Waste Services, copies of the 2001 restated base agreements and the proposed amendments attached hereto, and further, direct the Mayor and City Clerk to execute the agreements on behalf of the City.

Discussion followed.

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

**Condo Association Street Lighting**

City Manager Paul Bueche discussed the option of the City paying for the street lighting in the Springbrook Association. Springbrook has requested that the city pick up the tab for the street lighting.

Discussion ensued.

**MEETING OPENED TO THE PUBLIC:**

None.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Hurt had a couple of questions for the City Manager. Mr. Hurt wanted to know the schedule for chipping. City Manager stated that chipping is generally done every other week. Generally, there really isn't a schedule, however they go around as often as possible. City Manager Bueche stated that generally a week and a half is the limit for how long brush should be left at the street.

Councilmember Hurt had a question about the light in front of the plaza at Miller and Seymour. He was concerned why the tanning salon, being the only business left in the plaza, deserves a stop light. He suggested getting rid of the light or make it a flashing light. City Manager Bueche stated that the City did a casual count about a year ago and he personally believes a light was not warranted there anymore. Suggestion was made that a light should be shifted from the plaza to the T intersection farther west on Miller Rd at Seymour Rd in front of Sage Credit Union. City Manager Bueche speculated whether that corner has met the criteria for a light. It is planned to speak to Mr. Daly about the situation.

Mayor Pro-Tem Christie commented that he has received compliments on how good Elms Park looks, as far as the mowing, etc. He passed along the compliments to Leedles Lawn Care.

Councilmember Adams had a question about reservations at Elms Park for the GM picnic. City Manager Bueche stated that he had a number to call for the reservations.

Councilmember Shumaker had comments about the light at Miller and Fairchild. He was curious as to how few buses were using it. City Manager Bueche stated that they are watching it and that it wasn't quite done yet. Councilmember Shumaker was concerned about the curb damage and radius' run over in Winchester sub division by buses. Mr. Bueche suggested that in the future they may be able to draft an ordinance concerning the matter. Mr. Bueche was confident that the City could work something out with the school as to the bus routes.

Councilmember Shumaker questioned a letter that Asst City Manager Adam Zettel sent out in reference to proper re-striping on Seymour Rd. to reflect street parking. He questioned the regulation on proper street marking to allow for parking on one side or both sides. City Manager Paul Bueche deferred to Lou Fleury for more information. Mr. Fleury stated that right now it is set up where the northbound lane is 19 ft wide and the southbound lane is 11 ft wide. Mr. Bueche stated that the City is not 100% sure that's the route that it will go yet.

Councilmember Shumaker talked about Elms Rd. overpass; about the construction signs left there on the sidewalk, tipped over. Mr. Shumaker removed the signs from the sidewalks. Mr. Shumaker was also concerned with the state of the weeds on the side of the road just north of Elms Rd. Park, near the overpass. He suggested that whoever does the landscaping for the park should clean up that area as well for appearances sake.

Councilmember Shumaker invited everyone for a 911 ceremony at the Veteran's Memorial on 9/11/07.

Mayor Pro-Tem Christie questioned whether there was any word from Marathon on the violation that was sent to them. City Manager Bueche stated that they should have received it a week ago and that there was no response from them so far.

Mayor Pro-Tem Christie stated that the Swartz Creek Chamber of Commerce has split away from the Genesee Regional Chamber of Commerce.

**ADJOURNMENT:**

There being no objection, Mayor Pro-Tem Christie declared the meeting adjourned at 8:20 p.m.

Jason Christie, Mayor Pro-Tem

Juanita Aguilar, City Clerk