

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 08/24/2009**

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.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Shumaker.

Councilmembers Absent: Porath.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, Assistant City Manager Adam Zettel, Police Chief Rick Clolinger, Lt. Rick Deshano, K-9 Officer Nicholas Paul.

Others Present: Boots Abrams, Tommy Butler, Terry O'Brien, Penny Messer, Sharon Klein, Bob Plumb, John Gilbert, Oleg Safrano, Joni Ward, Margie Stanuszek, Roger Meier, Lou Fleury.

**Resolution No. 090824-01**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council hereby excuse the absence of Mayor Pro-Tem Porath due to work commitments.

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

Mayor Abrams introduced Councilmember Hicks to make a presentation as a member of GFWC Swartz Creek Women's Club. The presentation of \$1200 was made to Ike the Police Dog. The funds were collected by the Women's Club.

Police Chief Clolinger thanked the Women's Club for their efforts in collecting the money for Ike. Chief Clolinger gave a brief update on Ike's recent work.

**APPROVAL OF MINUTES**

**Resolution No. 090824-02**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held August 10, 2009, as presented, to be circulated and placed on file.

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

## **APPROVAL OF AGENDA**

### **Resolution No. 090824-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of August 24, 2009 to be circulated and placed on file.

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

## **REPORTS AND COMMUNICATIONS:**

### **City Manager's Report**

#### **Resolution No. 090824-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of August 24, 2009, to be circulated and placed on file.

Discussion Ensued.

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

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

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

Roger Meier, 2424 VanVleet, spoke about the pavilion rehabilitation at Elms Park. Mr. Meier stated that the Kiwanis Club would like the City's help in repairing the Kiwanis Pavilion. Mr. Meier stated that the Kiwanis Club would like a plaque placed on the pavilion recognizing it as a Kiwanis pavilion as well as a proclamation for the Kiwanis Club for the pavilion. Mr. Meier requested that any Kiwanis member in good standing should be able to use the pavilion. Mr. Meier stated that one of the Kiwanis members stated that he knew someone that could do the roof project for \$4000.

## **COUNCIL BUSINESS:**

**Authorization for Use of City Property, Friends of the Library**

**Resolution No. 090824-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek authorize the use of the City Hall Building Lobby to the Friends of the Library, a community service organization of the Swartz Creek Branch of the Genesee County District Library, use to be limited to the sale of books or similar materials, funds to be used for the Swartz Creek District Library as a supplement to the County’s contribution for operating.

Discussion Took Place.

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

**Miller & I-69 Repair Project, Final Cost Reconciliation**

**Resolution No. 090824-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Krueger

**WHEREAS**, the City identified the need for repairs to a section of Miller Road at the I-69 Interchange, budgeted, drafted design plans, bid documents, solicited for bids and awarded the project under resolutions as follows:

**Appropriation For Design & Bid Engineering, Miller & I-69 Repairs**

**Resolution No. 090323-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

***I Move** the City of Swartz Creek appropriate an amount not to exceed \$2,832 to the City’s Engineer, Rowe Professional Services, for the design, preparation and bid of repairs, consisting of saw cut and pour concrete, for deteriorated areas of Miller Road between Elms Road and Tallmadge Court, total approximate construction costs of ±\$50,000, and further, to bring bid returns back to the Council for review and determination.*

Discussion Took Place.

YES: Porath, Shumaker, Abrams, Binder, Hicks, Hurt, Krueger  
NO: None. Motion Declared Carried.

**Appropriation & Bid Award, Miller & I-69 Concrete Repairs**

**Resolution No. 090608-04**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

***I Move** the City of Swartz Creek accept the low bid of Kelcris Corporation of 3416 Corwin Road, Williamston, MI 48895, in an amount not to exceed \$58,025 plus 10% contingency, for the repair of a*

section of Miller Road inclusive of the saw-cut of 27 deteriorated areas of concrete and base re-building of the roadway, starting at Elms Road and ending east of Tallmadge Court, in accordance with the bid specifications as set forth by the City's Engineer, funds to be appropriated from Major Street 202, with necessary budget adjustments and transfers to be made by the City's Finance Director.

Discussion Took Place.

YES: Krueger, Shumaker, Abrams, Binder, Hicks, Hurt.  
 NO: Motion Declared Carried.

**Appropriation, Construction Observation Engineering, Miller Road Repair Project**

**Resolution No. 090622-13 (Carried)**

Motion by Councilmember Krueger  
 Second by Councilmember Shumaker

**WHEREAS**, the City designed concrete repairs to a section of Miller Road at I-69, let for bid and awarded the project to the low bidder Kelcris Corporation, on June 8, 2009, under the following resolution:

**Appropriation & Bid Award, Miller & I-69 Concrete Repairs**

**Resolution No. 090608-04 (Carried)**

Motion by Councilmember Binder  
 Second by Councilmember Hurt

**I Move** the City of Swartz Creek accept the low bid of Kelcris Corporation of 3416 Corwin Road, Williamston, MI 48895, in an amount not to exceed \$58,025 plus 10% contingency, for the repair of a section of Miller Road inclusive of the saw-cut of 27 deteriorated areas of concrete and base re-building of the roadway, starting at Elms Road and ending east of Tallmadge Court, in accordance with the bid specifications as set forth by the City's Engineer, funds to be appropriated from Major Street 202, with necessary budget adjustments and transfers to be made by the City's Finance Director.

Discussion Took Place.

YES: Krueger, Shumaker, Abrams, Binder, Hicks, Hurt.  
 NO: Motion Declared Carried.

**WHEREAS**, the project is in need of Construction Observation and Testing Engineering, the City's engineer having submitted a proposal in the amount of \$4,320 to complete such services; and

**WHEREAS**, in anticipation of such expense, a contingency was added to the original bid, such contingency adequate to cover expenses related to construction observation and test engineering.

**NOW, THEREFORE, I Move** that the City of Swartz Creek accept the proposal of \$4,320 from the City's Engineer, Rowe Professional Services Inc., for construction observation and test engineering, funds to be allocated within the appropriated and approved amount of \$58,025 plus 10% contingency, as stated in resolution #090608-04.

YES: Abrams, Binder, Hicks, Krueger, Shumaker.  
 NO: None. Motion Declared Carried.

**WHEREAS**, unforeseen site conditions during construction revealed a significantly larger section of pavement needed replacing due to erosion causing a void, the cost overrun calculated at \$20,536; and

**WHEREAS**, the final cost reconciliation for the entire project are as follows:

\$58,025	Construction Bid Cost	Approved 6/8/2009
\$20,536	Construction Cost Over Run	Not Approved
\$78,561	Revised Construction Total	Not Approved
\$2,832	Design Engineering Fees	Approved 3/23/2009
\$4,320	Construction Engineering Fees	Approved 6/22/2009
\$85,713	Total Project Cost	

**NOW, THEREFORE, I Move** that the City of Swartz Creek declare the cost overrun as an unforeseeable site condition and approve the cost reconciliation as stated within, total cost for the project being \$85,713.

Discussion Took Place.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger.

NO: None. Motion Declared Carried.

**Street Usage Permit, Annual School Homecoming Football Parade**

**Resolution No. 090824-07**

**(Carried)**

Motion by Councilmember Krueger

Second by Councilmember Hurt

**I Move** the City of Swartz Creek approve the application of the Swartz Creek Student Council to conduct their annual High School Homecoming Parade on Friday, September 18, 2009, from 4:30 pm to 6:30 pm. Parade route as follows:

Civic Drive Eastbound to Fortino  
Fortino Eastbound to Morrish  
Morrish Southbound to Miller  
Miller Westbound to Fairchild  
Fairchild Southbound to Ingalls  
Ingalls Westbound into the south lot of Swartz Creek High

Under the direction and control of the office of the Chief of Police and in accordance with the stipulations and conditions set forth in the permit and application.

Discussion Ensued.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Shumaker.

NO: None. Motion Declared Carried.

**Street Usage Permit, Helping Heroes of Michigan 5 Mile Walk**

**Resolution No. 090824-08**

**(Carried)**

Motion by Councilmember Shumaker

Second by Councilmember Hurt

**I Move** the City of Swartz Creek approve the application of the Helping Hero's of Michigan Organization to conduct a 5 mile walk on Monday, September 7, 2009 (Labor Day), from 8:00 AM to 10:30 AM, route as follows:

High School (Start) to Cappy  
Cappy to Worchester

Worcester to Chesterfield  
Chesterfield to Daval  
Daval to Chelmsford  
Chelmsford to Oakview  
Oakview to Daval  
Daval to Chelmsford  
Chelmsford to Helmsley  
Helmsley to Oakview  
Oakview to Durwood  
Durwood to Greenleaf  
Greenleaf to Norbury  
Norbury to Durwood  
Durwood to Worcester  
Worcester to Cappy  
Cappy to Don Shenk  
Don Shenk to Durwood  
Durwood to Winshall  
Winshall to Cappy  
Cappy to Middle School (End)

Under the direction and control of the office of the Chief of Police and in accordance with the stipulations and conditions set forth in the permit and application.

Discussion Ensued.

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

### **Appointment, Construction Board of Appeals**

**Resolution No. 090824-09**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek appoint Bruce Badgley, 9179 West Bristol Road, Swartz Creek, 635-4999, to the City's Construction Board of Appeals, term expiring November 10, 2010, and further, direct the City Manager to prepare the necessary documentation covering the City's Building & Inspections Department, to be brought back before the Council for review.

Discussion Ensued.

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

### **2009-2010 Budget**

**(Discussion Topic)**

City Manager Bueche went over the new budget amendments with the City Council.

**MEETING OPENED TO THE PUBLIC**

Boots Abrams reminded everyone about “Art In The Park” this weekend

**REMARKS BY COUNCILMEMBERS:**

Councilmember Krueger introduced a foreign exchange student from Russia that is staying with his family this year. Mr. Krueger questioned the letters from Comcast that were in the Council Packet. Mr. Krueger questioned whether a health care millage from two years ago was legal, based on the Hurley Millage.

Councilmember Shumaker spoke of City resident Kathy Ridley writing a book. Mr. Shumaker talked about an article in the newspaper about the Swartz Creek Veteran’s Memorial.

Councilmember Hicks thanked everyone for coming to the meeting.

Councilmember Binder questioned whether the City was still looking into whether they would cover insurance for the Veteran’s Memorial. City Manager Bueche stated that he is checking into it. Ms. Binder stated that the Air Force statue is still expected by the end of the month.

Mayor Abrams talked about the Grand Opening of the newly expanded services at Kroger. Mr. Abrams talked about the Hurley Millage and possibly starting the process over again. Mr. Abrams talked about people running the traffic light at Miller & Fairchild. Mr. Abrams spoke about a depression in the road from the catch basin on Greenleaf.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:10 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk