

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 12/14/2009**

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, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, Assistant City Manager Adam Zettel, Police Chief Rick Clolinger.

Others Present: Boots Abrams, Tommy Butler, Harvey Lee, Jim Florence, Jean Florence.

APPROVAL OF MINUTES

Resolution No. 091214-01 **(Carried)**

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes, as corrected, for the Regular Council Meeting, held December 7, 2009, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 091214-02 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of December 14, 2009 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 091214-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of December 14, 2009, to be circulated and placed on file.

Discussion Ensued.

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

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

Re-Appoint Employee Benefit Broker

Resolution No. 091214-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek re-appoint Total Benefit Systems, of 5151 Gateway Centre, Suite 200, Flint, Michigan 48507, appointed originally in May 2007, 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.

Presentation by Harvey Lee of Total Benefit Systems.

Discussion Took Place.

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

Morrish Road Phase I Construction Project, MDOT Agreement

Resolution No. 091214-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, the City of Swartz Creek is a member of the Genesee County Metropolitan Planning Alliance, an urban transportation planning cooperative charged with allocating funds to eligible street authorities in Genesee County; and

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to Morrish Road from the I-69 overpass to Bristol Road, the North City Limit, in conformance with the design plans prepared by the City’s consulting engineer and approved by the Michigan Department of Transportation; and,

WHEREAS, the Genesee County Metropolitan Alliance and the Swartz Creek City Council has considered the making of such repairs and improvements in open session following the review of documents and the hearing of comments on the need 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 Morrish Road Repair and Improvement Project has been obligated for funding and is scheduled to be let for bid in January 2010 under the Michigan Department of Transportation using Surface Transportation Program funding sources; and

WHEREAS, the Morrish Road Improvement Project was designed in conjunction with the site plan approval for a Meijer’s retail outlet department store, Meijer’s having entered into a development agreement to contribute funding to the project relative to the projected impact such a retail development would have on area infrastructure, inclusive of streets, projected costs of Phase I as follows:

<i>Project Cost</i>	<i>Federal Funding</i>	<i>City Construction Match</i>	<i>Total</i>
Construction	\$ 368,480	\$ 1,123,320	\$ 1,491,800

NOW, THEREFORE, be it resolved that the City of Swartz Creek appropriate an amount not to exceed \$1,491,800, plus 5% contingency, from 202 Major Street Fund, for the Morrish Road North Construction Project Phase I, \$368,480 funded by a combination of Federal Surface Transportation Funds and Federal Flexible Section 5307 Funds, the balance, \$1,123,320 being the City Local Share Obligation.

BE IT FURTHER RESOLVED, that the Council for the City of Swartz Creek direct the Mayor, Richard B. Abrams and the City Clerk, Juanita Aguilar, on behalf of the

City, to execute an agreement with the Michigan Department of Transportation, a copy of which is attached hereto, MDOT Contract #09-5742, Control Section #STU25402, Project #1025(007) and Federal ID #HH-6246.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Morrish Road North Project, Appropriate Additional Design Engineering Fees

Resolution No. 091214-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to Morrish Road from the I-69 overpass to Bristol Road and has expanded such repairs to include a section north, east and west of the intersection in order to accommodate a planned and approved retail development; and

WHEREAS, the City appropriated \$73,052 to the City's Engineer, Rowe Professional Services Inc. for design engineering fees, at a regular Council Meeting held on August 25, 2008, resolution as follows:

Appropriation, Design Engineering, Morrish Road Re-Construction

Resolution No. 080825-05

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, the City of Swartz Creek is a member of the Genesee County Metropolitan Planning Alliance, an urban transportation planning cooperative charged with allocating funds to eligible street authorities in Genesee County; and

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to Morrish Road from the I-69 viaduct to the North City Limit at Bristol Road and further, repairs have been allocated in the Genesee County Traffic Improvement Program and is scheduled for obligation and repair in 2009; and,

WHEREAS, on August 14, 2006, the City re-zoned ±120 acres of land along the east and west sides of Morrish Road, north of I-69 and south of West Bristol Road, into a Commercial Retail Planned Unit Development District; and

WHEREAS, a final site plan for the construction of a Meijer's retail outlet with Special Land Use Permits was approved on August 14, 2006 with a revised final site plan approved on August 11, 2008 for the construction of a ±160,000 square foot Meijer's retail outlet department store along the east side of Morrish Road north of I-69; and

WHEREAS, at site plan approval, and in a letter of commitment dated December 22, 2006, the Meijer Corporation confirmed their contribution of \$1,500,000 towards public improvements related to the re-construction of South Morrish Road between I-69 and West Bristol Road; and

WHEREAS, Meijer's Incorporated desires to open the retail outlet in early 2010 and in order to meet this deadline, construction of the road and the project would need to begin in early 2009; and

WHEREAS, the City's engineer has submitted a Design Proposal in the amount of \$73,052.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek appropriate an amount not to exceed \$73,052 to the City's Engineer, Rowe Incorporated, for the re-construction design of Morrish Road from I-69 to West Bristol Road, in accordance with the concept and approved site plan for Meijer's Incorporated of Grand Rapids Michigan.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

WHEREAS, plan changes, multiple agency intervention and unforeseen problems resulting in re-designs have caused additional time that the City's Engineer has requested compensation.

NOW, THEREFORE, I Move that the City of Swartz Creek appropriate an additional amount not to exceed \$4,000 to the City's Engineer, Rowe Professional Services Incorporated, design engineering cost overruns, funds to be appropriated from Major Streets 202.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Police Bicycle Program

Resolution No. 091214-07

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the City of Swartz Creek authorize the distribution of the following donated bicycles, bicycles having been donated to the Police Department for distribution to underprivileged youths by Wal-Mart, in conjunction with a program between the Police Department and Assenmacher's Bicycle Shop:

- #1. Boys Huffly "Rockit", Reg #4231, Ser #SNHEZ27F57113
- #2. Boys "Quest Cobra", Reg #4230, Ser #LWGH204407
- #3. Girls "Huffy Sea Star", Reg #4234, Ser #SNHEJ07H21058
- #4. Girls "Huffy Sea Star", Reg #4229, Ser #SNHEJ07H20087

Discussion Took Place.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC

Jim Florence, 4296 Springbrook, updated the Council on the Senior Center. Mr. Florence stated that it should be done by the beginning of next week.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger wished everyone a Merry Christmas.

Councilmember Shumaker also wished everyone a Merry Christmas.

Councilmember Hicks asked about the CDBG grants. She questioned why the City did not opt out when many others did. Assistant City Manager Zettel advised that specific projects were required to qualify.

Councilmember Binder thanked everyone on behalf of the Swartz Creek Veterans Memorial for all of their help throughout the year.

Councilmember Hurt thanked the audience for coming to watch the meetings. Mr. Hurt wished everyone a safe and warm holiday.

Mayor Pro-Tem Porath questioned why Grand Blanc Township was getting \$187,000 in CDBG grants. Mr. Zettel stated that their population is what constituted that amount.

Mayor Abrams wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:25 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk