

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 01/12/2009**

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

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, Deputy City Clerk/Treasurer Deanna Korth, Director of Public Services Tom Svrcek, City Attorney Richard Figura.

Others Present: Ron Schultz, Tommy Butler, John Gilbert, Lou Fleury, Nicole Patterson, Boots Abrams, Sharon.

**APPROVAL OF MINUTES**

**Resolution No. 090112-01** **(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held December 15, 2008, 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. 090112-02** **(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of January 12, 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. 090112-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council approve the City Manager’s Report of January 12, 2009, to be circulated and placed on file.

Discussion Took Place.

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:**

Senator Gleason gave a brief synopsis of what he is working on at this time.

Nicole Patterson, 3118 Pine Run Drive, introduced herself. Ms. Patterson is the director of financial aid at Baker College of Owosso. As part of her position at the college, she is encouraged to attend local Council meetings.

Tommy Butler, 40 Somerset, stated that he noticed how everyone does not have money, yet the City of Swartz Creek has an Assistant City Manager that he feels is not necessary. Mayor Abrams advised that if he knew what the Assistant City Manager does, he would understand the necessity of the position.

**COUNCIL BUSINESS:**

**Bid Award & Appropriation, Phase I Sewer Rehabilitation Project Manhole Repair**

**Resolution No. 090112-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Binder

**WHEREAS**, the City is charged with preserving the health, safety, and welfare of its residents and consummate to this, provides public utilities inclusive of a sanitary sewer system; and

**WHEREAS**, the city’s sanitary sewer system is 50+ years of age and although still quite functional, is in need of maintenance and repair in order to extend and renew its longevity; and

**WHEREAS**, the City and its engineers, under increasing demand from the Federal Environmental Protection Agency, the Michigan Department of Environmental Quality and the Genesee County Division of Water & Waste Services, have developed a plan to abate infiltration and inflow by relining the sanitary sewers thus extending the life indefinitely; and

**WHEREAS**, in conjunction with the relining of the sanitary sewer lines, the rehabilitation of the man-holes is also warranted as the age and subsequent deterioration is the source of large quantities of inflow surface water; and

**WHEREAS**, the City's Engineer developed specifications for the repair of the structures and let the project to bid with three returns ranging from a high of \$33,265 to the low of \$16,729, with Young's Environmental of Flint Michigan being the low bidder; and

**WHEREAS**, the Staff and City Engineer has identified a section of sanitary sewer, containing 22 man-holes, within the Winchester Woods Subdivision that have a high cost – benefit ratio for repair, as the location is in drainage ditches within the road right of way.

**NOW, THEREFORE, I Move** the City of Swartz Creek approve Phase I of the City's Sanitary Sewer Man-Hole Rehabilitation Program and appropriate an amount not to exceed \$16,729, plus 15% contingency, from the Sewer Fund 590, to the low bid of Young's Environmental of Flint Michigan, for the rehabilitation of 22 sanitary sewer man-hole structures located along Valleyview, Birchcrest and in the backyards of houses between Seymour and Birchcrest, in accordance with the bid specifications attached hereto, and further direct the Mayor and City Clerk to execute all necessary documents and contracts.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

**Re-Locate May 25<sup>th</sup> Council Meeting, Memorial Holiday**

**Resolution No. 090112-05**

**(Carried)**

Motion by Councilmember Binder

Second by Councilmember Hurt

**Whereas**, the City Council, in accordance with State Statute and City Charter, set the 2008-2009 City Council Meeting Schedule on June 9, 2008, as follows:

**Set 2008-2009 Council Meeting Schedule**

**Resolution No. 080609-07  
(Carried)**

*Motion by Councilmember Hurt  
Second by Councilmember Shumaker*

**WHEREAS**, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

**WHEREAS**, said Act directs that said notice be posted prominently at the principle office of the City of Swartz Creek; or at the public building at which said meetings are held; or published in the newspaper of general circulation in Swartz Creek;

**NOW, THEREFORE**, pursuant to said Act, public notice is hereby given that regular meetings for fiscal year 2008-2009 shall be held twice each month, and further, that all meetings shall be held in the Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, said meeting shall commence at 7:00 P.M., on the following 2008-2009 dates:

July 2008:	Monday – 14 <sup>th</sup> Monday – 28 <sup>th</sup>
August 2008:	Monday – 11 <sup>th</sup> Monday – 25 <sup>th</sup>
September 2008:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>
October 2008:	Monday – 13 <sup>th</sup> (Columbus Day) Monday – 27 <sup>th</sup>
November 2008:	Monday – 10 <sup>th</sup> Monday – 24 <sup>th</sup>
December 2008:	Monday – 8 <sup>th</sup> Monday – 15 <sup>th</sup> (One Week Earlier)
January 2009:	Monday – 12 <sup>th</sup> Monday – 26 <sup>th</sup>
February 2009:	Monday – 9 <sup>th</sup> Monday – 23 <sup>rd</sup>
March 2009:	Monday – 9 <sup>th</sup> Monday – 23 <sup>rd</sup>
April 2009:	Monday – 13 <sup>th</sup> Monday – 27 <sup>th</sup>
May 2009:	Monday – 11 <sup>th</sup> Monday – 25 <sup>th</sup>
June 2009:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>

**FURTHER**, the Clerk is hereby directed to post a copy of this resolution in a prominent place, in the City Office of the City of Swartz Creek; and

**FURTHER**, the City Clerk is hereby directed, to supply on request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meeting will be held and to any radio or television station that regularly broadcasts into the City of Swartz Creek.

*Discussion Took Place.*

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

*NO: None. Motion Declared Carried.*

**WHEREAS**, the meeting of Monday May 25, 2009 falls on Memorial Day and it would best serve a public interest to move the meeting to a business day.

**NOW, THEREFORE, I Move** the City Council re-locate the Regular City Council Meeting of Monday May 25, 2009, to Tuesday May 26, 2009, and further, direct the City Clerk to circulate notice in accordance with law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **2009 Fire Budget**

#### **Resolution No. 090112-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Mayor Pro-Tem Porath

**WHEREAS**, on October 13, 2008, the City Council and the Clayton Township Board sent a directive back to the Fire Board, as follows:

#### **2009 Fire Budget, Appropriation**

##### **Resolution No. 081013-06**

**(Carried)**

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

**WHEREAS**, the City of Swartz Creek and the Township of Clayton provide fire services to its citizens through an agreement wherein the operating costs are equally shared and labor costs are proportionately assigned; and

**WHEREAS**, in an effort to improve efficiency and provide cost effective services to both entities, an evaluation was conducted that addresses capital investments and replacements, wages, equipment, staffing, response, supervision and a number of other related topics; and

**WHEREAS**, the Township of Clayton and the City of Swartz Creek have adopted the findings of Mr. Mark Nottley, of Rehmann Robson CPA, and have charged the Swartz Creek Area Fire Board with the implementation of the findings; and

**WHEREAS**, in addition to the evaluation, the Fire Agreement between the City and the Township needs to be negotiated and the concerns detailed within the evaluation need to be addressed; and

**WHEREAS**, the November General Election may produce changes within the governmental entities that make it feasible to wait until both entities have elected boards seated before proceeding.

**NOW, THEREFORE, I Move** that the City of Swartz Creek return the proposed

2009 Fire Department Budget back to the Swartz Creek Area Fire Board for additional review with the following stipulations:

- That the 2009 Budget does not exceed the 2008 total budgeted amount of \$298,000.
- That staffing levels on October 10, 2008 for all payroll personnel be declared and documented within the minutes of the Fire Board, and further, that a freeze be placed on all further hiring beyond the level as of October 10, 2008.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

**WHEREAS**, the Fire Board complied and returned a budget of \$298,000 with staffing level that does not exceed that of the staffing on October 10, 2008.

**NOW THEREFORE, I Move** the City of Swartz Creek adopt the 2009 Fire Budget, a copy of which is attached hereto.

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

NO: None. Motion Declared Carried.

**Western Trunk Sewer Extension, Annual Bond Debt Commitment**

**Resolution No. 090112-07**

**(Carried)**

Motion by Mayor Pro-Tem Porath

Second by Councilmember Hurt

**WHEREAS**, the City of Swartz Creek has a commitment to pay to the County of Genesee the sum of \$56,215.81 to meet the bond and principal requirements on all bond obligations for water and sewer facilities during the calendar year of 2009; and

**WHEREAS**, there are several means by which the funds can be secured to meet this payment; and

**WHEREAS**, all various means of securing the funds have been reviewed and considered.

**NOW THEREFORE, BE IT RESOLVED** by the City of Swartz Creek, that the monies to meet the principal and interest requirements on all bond obligations for water and sewer facilities will be secured from the following funds:

Funds Already Available	\$ <b><u>56,215.81</u></b>
Tap-In Fees to be Collected	\$ _____
Funds from Monthly Rates for Service	\$ _____
General Fund	\$ _____
Ad-Valorem Levy	\$ _____
Other	\$ _____



## **MEETING OPENED TO THE PUBLIC**

Boots Abrams talked about Assistant City Manager Zettel's job description and wanted it noted that Mr. Zettel also does the City Farmer's Market every Sunday.

Tommy Butler, 40 Somerset, stated that he was happy with the explanation that he got about the Assistant City Manager's position and now feels that he may be underpaid.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Hurt spoke in reference to a portion of the City Manager's report that referenced the Council Questions, Inquiries, Requests and Comments section; *Mast Arm Traffic Lights, Street Sign Anchors, (Silver vs. Black)*-Mr. Hurt stated that item had been carried there for months and he felt that it was time to just forget it as they were lovely the way they are. City Manager Bueche stated that it had been passed along to City Engineer Lou Fleury to check into the replacement.

Councilmember Binder wanted to know if the Veteran's Memorial could be added to the sign at the corner of Miller & Fortino that directs people to the City Hall, Library, etc. City Manager Bueche stated that he would check into it.

Councilmember Hicks talked about the empty houses in the City. She stated that she spoke to the City Manager last week about it and wondered about an update. Mr. Bueche stated that he spoke to the police chief about the situation and that they are checked on a regular basis.

Councilmember Shumaker questioned who City Manager Bueche stated was going to be buying the foreclosed houses. Mr. Bueche stated that it was unsure at this time, possibly the Land Bank. Mr. Shumaker thanked Senator Gleason for coming to the meeting.

Councilmember Krueger thanked Senator Gleason for the nice letter that he sent him upon being elected to the City Council. Mr. Krueger spoke about President Elect Obama's stimulus package and how it might apply to the Senior Center.

Mayor Pro-Tem Porath questioned City Manager Bueche about the Community Rehabilitation Fund from the County. He wanted to know if most of the Counties in the State received it. Mr. Bueche stated that the County decided to manage those funds themselves. Mr. Bueche stated that there is a meeting on the issue next week and that the City will be sending a representative.

Mayor Abrams talked about the Small Cities and Villages Association meeting that he and Councilmember Shumaker attended. Mr. Abrams reminded everyone of the MML Capitol conference on the 3<sup>rd</sup> and 4<sup>th</sup> of March. He stated that the new council members should plan to attend both days. Mr. Abrams talked about a trailways meeting on the 19<sup>th</sup> of February from 8:00am until 3:00 pm at U of M Flint. Mr. Abrams stated that he will miss the next Council meeting due to previous plans and asks that his absence be excused.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:19p.m.

Richard Abrams, Mayor

Deanna Korth, Deputy City Clerk