

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 07/13/2009**

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.

Others Present: Jim Florence, Boots Abrams, Tommy Butler, Ron Schultz, Preston Hards, John Gilbert, Bob Plumb, Steve Shumaker.

**APPROVAL OF MINUTES**

**Resolution No. 090713-01**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held June 22, 2009, as presented, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 090713-02**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of July 13, 2009 to be circulated and placed on file.

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

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 090713-03**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council approve the City Manager's Report of July 13, 2009, to be circulated and placed on file.

YES: Hurt, Krueger, 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:**

Jim Florence, 4296 Springbrook Drive, wanted to make sure everyone knew that on Thursday, July 16<sup>th</sup> at 6:30pm, there will be a groundbreaking ceremony for the new addition to the Senior Center, and everyone is invited to attend.

**COUNCIL BUSINESS:**

**Rewards for Recycling Program, Mr. Preston Hardes**

**(Presentation)**

Mr. Hardes made a brief presentation about the Rewards for Recycling Program.

**Boards and Commissions, Planning Commission, Re-Appoint Robert Florine**

**Resolution No. 090713-04**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the Swartz Creek Council confirm the Mayor's re-appoint of Robert Florine, 5914 Cross Creek Drive, to the Swartz Creek Planning Commission, term to run July 1, 2009 through June 30, 2012

Discussion Took Place.

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

**Boards & Commissions, Planning Commission, Re-Appoint James Florence**

**Resolution No. 090713-05**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Krueger

**I Move** the Swartz Creek Council confirm the Mayor's re-appoint of James Florence, 4296 Springbrook Drive, to the Swartz Creek Planning Commission, term to run July 1, 2009 through June 30, 2012

Discussion Took Place.

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

**Boards & Commissions, Tax Board of Review, Appoint Robert Brown**

**Resolution No. 090713-06**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek appoint Robert J. Brown, 4359 Springbrook Drive, to the Swartz Creek Tax Board of Review, term to run July 1, 2009 through June 30, 2012.

Discussion Ensued.

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

**Appropriation, Senior Center Addition, Construction Observation Engineering**

**Resolution No. 090713-07**

**(Carried as Amended)**

Motion by Councilmember Hurt  
Second by Councilmember Krueger

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$5,680 to the City's Engineer, Rowe Professional Services Inc., fees for construction observation engineering for the addition to the City owned and leased Perkins Library – Sr. Center, funds to be taken from 101 General Fund or 590/591 Water/Sewer Fund at the discretion of administration.

Discussion ensued to add 590/591 water/sewer fund to resolution.

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

**County Ballot Question, Hurley Millage**

**Resolution No. 090713-08**

**(Carried as Amended)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**A RESOLUTION TO JOIN THE CITY OF FLUSHING IN AN ACTION TO SET ASIDE AN AUGUST 4, 2009 ELECTION BY GENESEE COUNTY FOR A MILLAGE TO PROVIDE FOR HEALTH CARE SERVICES AT HURLEY MEDICAL CENTER**

**WHEREAS**, the City of Swartz Creek joins the City of Flushing in an action concerning the legality of a proposed Genesee County Millage for Health Care Services at Hurley Medical Center, and

**WHEREAS**, the City of Swartz Creek and the City of Flushing believe that the .9 millage request on all non-exempt real property owners within the county, to be used for services to be obtained by the County through the County Health Department at Hurley Medical Center, is not authorized by Michigan law, and

**WHEREAS**, the City of Swartz Creek and the City of Flushing question the authority of Genesee County to levy a millage on all taxable property within the county for the purpose of using the proceeds to fund a Flint City owned hospital, and

**WHEREAS**, the City of Swartz Creek and the City of Flushing question the authority of Genesee County to contract with a Flint City owned hospital and use property tax proceeds collected from property owners throughout the County, including property owners outside of the City of Flint which owns the hospital;

**NOW, THEREFORE, IT IS RESOLVED** that the City of Swartz Creek will join the City of Flushing in an action to set aside the election of August 4, 2009, concerning the proposed "Genesee County Millage for Health Care Services at Hurley Medical Center" and to request the Genesee County Circuit Court to reimburse each municipality for costs incurred as a result of this election.

**BE IT FURTHER RESOLVED**, that the City of Swartz Creek appropriate an amount not to exceed \$1,500 for pro-rata legal costs incurred as a result of litigation, funds to be apportioned at the direction of the City Manager.

Discussion took place to add City of Swartz Creek along with the City of Flushing.

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

**WWS Karegnondi Water Project**

**(Discussion Topic)**

City Manager Bueche made a brief presentation on the water project.

**Morrish Road South Project, MDOT Third Party Agreement, Construction Engineering Services, Rowe Professional Services**

**Resolution No. 090713-09**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**Whereas**, the City applied for and was awarded funding through the Genesee County MPO Traffic Improvement Program, A.R.R.A. source, the project approved for MDOT for the surface re-habilitation of Morrish Road between I-69 and the CNA rail crossing; and

**Whereas**, the funding has been obligated and the project scheduled to be let for bid on August 7, 2009, construction to be performed and completed in late summer and early fall 2009; 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 July 28, 2008 as its Professional Engineering Consultant; and

**Whereas**, total project costs are estimated to be \$300,000; and

**Whereas**, the City's contracted engineering firm, Rowe Professional Services, Inc., 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 material basis, capped at \$49,824, costs for services re-imbursable under the rules set forth in the A.R.R.A. funding distributions.

**Now, Therefore, Be It Resolved** that the City of Swartz Creek accept the proposal of ROWE, Inc., and appropriate funding in the amount of \$49,824 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 Morrish Road South Project.

**Be It Further Resolved**, the Mayor and City Clerk are directed to execute a Third Party Agreement on behalf of the City.

Discussion Took Place.

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

**MEETING OPENED TO THE PUBLIC**

John Gilbert, 7459 Miller Road, questioned when the Summer tax statements were mailed. He was advised that they were mailed July 1<sup>st</sup>. Mr. Gilbert then questioned when the

Board of Review meets. He was advised that it meets July 21st, but not for appeals, only to correct errors.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Krueger questioned the fees and rates for water/sewer in the City Manager's report. Mr. Krueger questioned why the City needs a major rate increase when it has been running with a surplus in the water/sewer fund. City Manager Bueche stated that the increase will be balanced with the surplus. Mr. Krueger also questioned the quality of the road on the exit ramp for I-69 and Morrish road. Mr. Krueger wanted to know if that would be fixed along with the Meijer road project. Mr. Bueche advised that it would not. Mr. Krueger questioned when the other roads in the City would be fixed. Mr. Bueche stated that is still under discussion and he would have more information in the next couple of weeks. Mr. Krueger questioned when the City could lower the rates for the Council members.

Councilmember Shumaker commented on the County mowing the exit/entrance ramps to Morrish Road from I-69.

Councilmember Hicks talked about the Women's Club donating the money for the bike-a-thon to like the police dog. Ms. Hicks talked about working on the emergency management committee and a conference that she went to. Ms. Hicks asked that a resume be submitted for all board members that are appointed.

Councilmember Binder talked about the Veteran's Memorial statue being here by the end of July or the first part of August. Ms. Binder stated that money is still being raised for the remaining statues.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:45 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk