

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 06/22/2009**

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, Krueger, Shumaker.

Councilmembers Absent: Hurt, Porath.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, City Attorney Colin Lintzenman, DPS Director Tom Svrcek., Assistant City Manager Adam Zettel.

Others Present: Jim Florence, Boots Abrams, Terry O'Brien, Tommy Butler, Ron Schultz.

APPROVAL OF MINUTES

Resolution No. 090622-01

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Binder

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held June 8, 2009, as presented, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 090622-02

(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 June 22, 2009 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 090622-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Binder

I Move the Swartz Creek City Council approve the City Manager’s Report of June 22, 2009, to be circulated and placed on file.

YES: 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:

Mike Messer from Clayton Township asked the Mayor to come forward for a presentation. Mr. Messer on behalf of the United States Army presented Mayor Abrams with an award from the Army.

COUNCIL BUSINESS:

Public Hearing, Morrish Road Re-Hab, Three Lane Conversion (Discussion Topic)

Lou Fleury, Rowe Professional Services, gave a brief rundown of the Re-Hab project. Mr. Fleury stated that the scope of the project will involve re-striping Morrish Road from four lanes to three lanes between the Racetrack south to the railroad tracks. Mr. Fleury stated that due to the nature of the funding for the project, the State DOT does require public involvement. Mr. Fleury brought Jill Bower, project engineer for Rowe’s transportation department. Ms. Bower explained the process that Rowe Professional Services went through for this project.

2009-2010 FY Budget, Adopt and Set Levy

Resolution No. 090622-04

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hicks

I Move the Swartz Creek City Council, in accordance with the General Appropriations and Uniform Budgeting Act, adopt the proposed 2009-2010 Fiscal Budget based upon the following Summer Tax Levies:

General Operating Levy:	4.8289 Mills
Sanitation Levy:	<u>1.7500 Mills</u>
TOTAL:	6.5789 Mills

2009-2010 Budget

101 General Fund

Estimated Revenues	Adopted	
General Fund Estimated Operating Revenues	2,034,137	
General Fund Estimated Project Revenues	<u>16,771</u>	
Total General Fund Estimated Revenues	2,050,908	
Appropriations	Adopted	
General Government Activities 101-299	493,916	
Public Safety Activities 301-399	1,102,749	
Public Works Activities 400-799	356,476	
Other Government Activities 800-999	<u>99,820</u>	
Total General Fund Operating Appropriations	2,052,961	Estimated Beg Fund Balance
Total General Fund Project Appropriations	<u>19,771</u>	1,037,874
Total General Fund Appropriations	2,072,732	
Effect on General Fund's Fund Balance	(21,824)	Estimated Ending Fund Balance
		1,016,050

202 Major Streets Fund

Estimated Revenues	Adopted	
Major Streets Fund Estimated Operating Revenues	265,700	
Major Streets Fund Estimated Project Revenues	<u>850,000</u>	
Total Major Streets Fund Estimated Revenues	1,115,700	
Appropriations	Adopted	
General Government Activities 101-299	3,500	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	118,589	
Other Government Activities 800-999	<u>0</u>	
Total Major Streets Fund Operating Appropriations	122,089	Estimated Beg Fund Balance
Total Major Streets Fund Project Appropriations	<u>975,615</u>	435,251
Total Major Streets Fund Appropriations	1,097,704	
Effect on Major Streets Fund's Fund Balance	17,996	Estimated Ending Fund Balance
		453,247

203 Local Streets Fund

Estimated Revenues	Adopted	
Local Streets Fund Estimated Operating Revenue	74,000	
Local Streets Fund Estimated Project Revenue	<u>15,000</u>	
Total Local Streets Fund Estimated Revenue	89,000	
Appropriations	Adopted	
General Government Activities 101-299	3,500	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	101,083	
Other Government Activities 800-999	<u>0</u>	
Total Local Streets Fund Operating Appropriations	104,583	Estimated Beg Fund Balance
Total Local Streets Fund Project Appropriations	<u>146,488</u>	174,925
Total Local Streets Fund Appropriations	251,071	
Effect on Local Streets Fund's Fund Balance	(162,071)	Estimated Ending Fund Balance
		12,854

226 Garbage Fund

Estimated Revenues		Adopted	
Garbage Fund Estimated Operating Revenue		388,425	
Garbage Fund Estimated Project Revenue		<u>0</u>	
Total Garbage Fund Estimated Revenue		388,425	
Appropriations		Adopted	
General Government Activities 101-299		7,000	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		400,541	
Other Government Activities 800-999		<u>22,601</u>	
Total Garbage Fund Operating Appropriations		430,142	Estimated Beg Fund Balance
Total Garbage Fund Project Appropriations		0	650,783
Total Garbage Fund Appropriations		430,142	
			Estimated Ending Fund Balance
Effect on Garbage Fund's Fund Balance		(41,717)	609,066

248 Downtown Development Authority Fund

Estimated Revenues		Adopted	
DDA Fund Estimated Operating Revenue		49,565	
DDA Fund Estimated Project Revenue		<u>3,500</u>	
Total DDA Fund Estimated Revenue		53,065	
Appropriations		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		<u>12,750</u>	
Total DDA Fund Operating Appropriations		12,750	Estimated Beg Fund Balance
Total DDA Fund Project Appropriations		42,000	37,154
Total DDA Fund Appropriations		54,750	
			Estimated Ending Fund Balance
Effect on Local Streets Fund's Fund Balance		(1,685)	35,469

265 Drug Enforcement Fund

Estimated Revenues		Adopted	
Drug Enforcement Fund Estimated Operating Revenue		104,071	
Drug Enforcement Fund Estimated Project Revenue		<u>0</u>	
Total Drug Enforcement Estimated Revenue		104,071	
Appropriations		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		104,071	
Public Works Activities 400-799		0	
Other Government Activities 800-999		<u>0</u>	
Total Drug Enforcement Fund Operating Appropriations		104,071	Estimated Beg Fund Balance
Total Drug Enforcement Fund Project Appropriations		0	1,053
Total Drug Enforcement Fund Appropriations		104,071	
			Estimated Ending Fund Balance
Effect on Drug Enforcement Fund's Fund Balance		0	1,053

275 Senior Citizens Fund

Estimated Revenues		Adopted	
Senior Citizens Fund Estimated Operating Revenue		0	
Senior Citizens Fund Estimated Project Revenue		0	
Total Senior Citizens Estimated Revenue		0	
 Appropriations		 Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Senior Citizens Fund Operating Appropriations		0	Estimated Beg Fund Balance
Total Senior Citizens Fund Project Appropriations		0	0
Total Senior Citizens Fund Appropriations		0	Estimated Ending Fund Balance
Effect on Senior Citizens Fund's Fund Balance		0	0

350 City Hall Debt Fund

Estimated Revenues		Adopted	
City Hall Debt Fund Estimated Revenue		91,004	
Total City Hall Debt Fund Estimated Revenue		91,004	
 Appropriations		 Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		91,004	
Total City Hall Debt Fund Appropriations		91,004	Estimated Beg Fund Balance
Effect on City Hall Debt Fund's Fund Balance		0	858
			Estimated Ending Fund Balance
			858

352 Wtr Transmission Debt Fund

Estimated Revenues		Adopted	
Wtr Transmission Debt Fund Estimated Revenue		0	
Total Wtr Transmission Debt Fund Estimated Revenue		0	
 Appropriations		 Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Wtr Transmission Debt Fund Appropriations		0	Estimated Beg Fund Balance
Effect on Wtr Transmission Debt Fund's Fund Balance		0	1,561
			Estimated Ending Fund Balance
			1,561

401 Capital Projects Fund

Estimated Revenues		Adopted
Capital Project Fund Estimated Project Revenue		0
Total Capital Projects Fund Estimated Revenue		0
 Appropriations		 Adopted
General Government Activities 101-299		0

Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	
Other Government Activities 800-999	1,963	
Total Capital Projects Fund Operating Appropriations	1963	Estimated Beg Fund Balance
Total Capital Projects Fund Project Appropriations	0	1,963
Total Capital Projects Fund Total Appropriations	1,963	
		Estimated Ending Fund Balance
Effect on Capital Projects Fund's Fund Balance	(1,963)	0

402 Fire Equipment Replacement Fund

Estimated Revenues		Adopted	
Fire Equipment Replacement Fund Est Operating Revenue	1,500		
Fire Equipment Replacement Fund Est Project Revenue	0		
Total Fire Equip Replacement Fund Est Revenue	1,500		
Appropriations		Adopted	
General Government Activities 101-299	0		
Public Safety Activities 301-399	0		
Public Works Activities 400-799	0		
Other Government Activities 800-999	0		
Total Fire Equip Replacement Fund Operating Approp	0	Estimated Beg Fund Balance	
Total Fire Equip Replacement Fund Project Approp	0		166,111
Total Fire Equip Replacement Fund Approp	0		
			Estimated Ending Fund Balance
Effect on Fire Equip Replacement Fund's Fund Balance	1,500		167,611

590 Water Supply Fund

Estimated Revenues		Adopted	
Water Supply Fund Estimated Operating Revenue	1,354,565		
Water Supply Fund Estimated Project Revenue	0		
Total Water Supply Fund Estimated Revenue	1,354,565		
Appropriations		Adopted	
General Government Activities 101-299	40,267		
Public Safety Activities 301-399	0		
Public Works Activities 400-799	1,240,433		
Other Government Activities 800-999	22,601		
Total Water Supply Fund Operating Appropriations	1,303,301	Estimated Beg Fund Balance	
Total Water Supply Fund Project Appropriations	0		1,546,713
Total Water Supply Fund Appropriations	1,303,301		
			Estimated Ending Fund Balance
Effect on Water Supply Fund's Fund Balance	51,264		1,597,977

591 Sanitary Sewer Fund

Estimated Revenues		Adopted	
Sanitary Sewer Fund Estimated Operating Revenue	1,218,000		
Sanitary Sewer Fund Estimated Project Revenue	0		
Total Sanitary Sewer Fund Estimated Revenue	1,218,000		
Appropriations		Adopted	
General Government Activities 101-299	42,421		
Public Safety Activities 301-399	0		

Public Works Activities 400-799	878,515	
Other Government Activities 800-999	<u>77,530</u>	
Total Sanitary Sewer Fund Operating Appropriations	998,466	Estimated Beg Fund Balance
Total Sanitary Sewer Fund Project Appropriations	<u>159,100</u>	1,486,044
Total Sanitary Sewer Fund Appropriations	1,157,566	
		Estimated Ending Fund Balance
Effect on Sanitary Sewer Fund's Fund Balance	60,434	1,546,478

661 Motor Pool Fund

Estimated Revenues		Adopted	
Motor Pool Fund Estimated Operating Revenue		159,300	
Motor Pool Fund Estimated Project Revenue		<u>0</u>	
Total Motor Pool Fund Estimated Revenue		159,300	
Appropriations		Adopted	
General Government Activities 101-299		49,326	
Public Safety Activities 301-399		73,100	
Public Works Activities 400-799		223,792	
Other Government Activities 800-999		<u>0</u>	
Total Motor Pool Fund Operating Appropriations		346,218	Estimated Beg Fund Balance
Total Motor Pool Fund Project Appropriations		<u>0</u>	487,562
Total Motor Pool Fund Appropriations		346,218	
			Estimated Ending Fund Balance
Effect on Motor Pool Fund's Fund Balance		(186,918)	300,644
Total Estimated Revenues		6,625,538	
Total All Funds Appropriations		6,910,522	

Discussion Took Place.

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

Set 2009-2010 Council Meeting Schedule

Resolution No. 090622-05

(Carried)

Motion by Councilmember Krueger
 Second by Councilmember Binder

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

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2009-2010 shall be held twice each month, and further, that all meetings shall be held in the City Hall Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2009:	Monday – 13 th Monday – 27 th
August 2009:	Monday – 10 th Monday – 24 th
September 2009:	Monday – 14 th Monday – 28 th
October 2009:	Monday – 12 th (Columbus Day) Monday – 26 th
November 2009:	Monday – 9 th Monday – 23 rd
December 2009:	Monday – 7 th (One Week Earlier) Monday – 14 th (Two Weeks Earlier)
January 2010:	Monday – 11 th Monday – 25 th
February 2010:	Monday – 8 th Monday – 22 nd
March 2010:	Monday – 8 th Monday – 22 nd
April 2010:	Monday – 12 th Monday – 26 th
May 2010:	Monday – 10 th Monday – 24 th
June 2010:	Monday – 14 th Monday – 28 nd

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

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

Discussion Took Place.

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

Year End Fiscal Adjustments

Resolution No. 090622-06

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

WHEREAS, Act 621 of P.A. of 1978 provides for a uniform budgeting system for local units of government, and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government, and

WHEREAS, the City of Swartz Creek’s 2008 - 2009 Fiscal Budget is not in deficit; however, certain department activity line items may be in deficit.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the City Manager to make all necessary year-end budget adjustment amendments.

Discussion Ensued.

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

City Attorney, Attendance at Council Meetings

Resolution No. 090622-07(a)

(Amended)

Motion by Councilmember Hicks
Second by Councilmember Binder

WHEREAS, it has been customary for the City Attorney to attend all regular and special meetings of the City Council; and

WHEREAS, recent economic downturn has forced the City to explore and implement deep cuts in order to remain solvent; and

WHEREAS, the City Attorney has suggested a diminished attendance schedule by his office that would serve to reduce legal expenses; and

WHEREAS, the City’s Charter does not require the attendance of the City Attorney at Regular or Special Council Meetings; and

WHEREAS, the City Council finds that the need for legal advice at Council Meetings can usually be predicted and that issues that arise from meetings that require action can usually be postponed or a short adjournment to phone the City Attorney.

NOW THEREFORE, BE IT RESOLVED that the attendance of the City Attorney at all regular or special meetings of the Council be upon invitation, and further, that the Mayor and City Manager confer prior to meetings to review and decide on the need to compel the attendance of the City Attorney.

Resolution No. 090622-07(b)

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Shumaker

Remove second "Whereas", move third "Whereas" to second position and replace third position with "**WHEREAS**, Good stewardship of the public's funds requires that money not be spent unnecessarily."

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

Resolution No. 090622-07

(Carried as Amended)

Motion by Councilmember Krueger
Second by Councilmember Shumaker

WHEREAS, it has been customary for the City Attorney to attend all regular and special meetings of the City Council; and

WHEREAS, the City Attorney has suggested a diminished attendance schedule by his office that would serve to reduce legal expenses; and

WHEREAS, Good stewardship of the public's funds requires that money not be spent unnecessarily; and

WHEREAS, the City's Charter does not require the attendance of the City Attorney at Regular or Special Council Meetings; and

WHEREAS, the City Council finds that the need for legal advice at Council Meetings can usually be predicted and that issues that arise from meetings that require action can usually be postponed or a short adjournment to phone the City Attorney.

NOW THEREFORE, BE IT RESOLVED that the attendance of the City Attorney at all regular or special meetings of the Council be upon invitation, and further, that the Mayor and City Manager confer prior to meetings to review and decide on the need to compel the attendance of the City Attorney.

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

Support of Request for Attorney General Opinion, August Hurley Millage

Resolution No. 090622-08

(Carried)

Motion by Councilmember Binder
Second by Councilmember Krueger

**A RESOLUTION IN SUPPORT FOR REVIEW OF THE GENESEE COUNTY
MILLAGE FOR HEALTH CARE SERVICES AT HURLEY MEDICAL CENTER**

WHEREAS, the City of Swartz Creek requests the Attorney General of the State of Michigan to review and make a determination concerning the proposed Genesee County Millage for Health Care Services at Hurley Medical Center; and

WHEREAS, the City of Swartz Creek believes 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 questions 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 and operated hospital; and

WHEREAS, the City of Swartz Creek questions the authority of Genesee County to contract with a Flint City owned and operated 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 hereby requests the Attorney General of the State of Michigan to review and make a timely legal determination concerning the proposed "Genesee County Millage for Health Care Services at Hurley Medical Center."

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

CERTIFICATION

I HEREBY CERTIFY THAT I AM THE clerk of the City of Swartz Creek and that the foregoing resolution was adopted at a meeting held on the 22nd day of June, 2009 by the Swartz Creek City Council of the City of Swartz Creek, and that the meeting was noticed in conformance with the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 et seq.

Juanita Aguilar, Swartz Creek City Clerk

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Resolution Demanding Federal Recovery Funds Be Used To Assist Local Budgets

Resolution No. 090622-09

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hicks

WHEREAS, President Barack Obama and the U.S. Congress passed the “American Recovery and Reinvestment Act of 2009,” a several hundred billion dollar economic stimulus package; and

WHEREAS, Section 3, Subsection 5 of the act specifically states that one of its purposes is “to stabilize ...local government budgets in order to minimize and avoid reductions in essential services....”; and

WHEREAS, Governor Granholm and the Michigan Legislature recently approved \$41 million in late fiscal year reductions to revenue sharing with tentative plans for another \$90 million in revenue sharing cuts for October 2009. Such cuts will force further reductions in local services in the City of Swartz Creek and other communities across Michigan; and

WHEREAS, these revenue sharing cuts are in addition to the \$3 billion of revenue sharing reductions to local communities over the last seven years, resulting in the elimination of public safety services and programs essential to maintaining quality of life in communities; and

WHEREAS, local property values have been dramatically falling, causing even further reductions to local budgets; and

WHEREAS, the Michigan State Department of Treasury has already identified 70 communities that are financially at risk. The revenue sharing reduction will place these and other communities in Michigan on the brink of financial collapse; and

WHEREAS, to accelerate the City of Swartz Creek’s financial suffering, due in large to the State of Michigan’s economic reduction policies to its local communities, General Motors has filed for bankruptcy and is requesting court ordered massive reductions in their property tax liability, such tax a significant portion of the City of Swartz Creek’s revenues that primarily fund public safety.

NOW, THEREFORE, BE IT RESOLVED, that for the reasons identified within, the community of Swartz Creek Michigan urges Vice-President Joe Biden, who has been charged by President Obama to oversee implementation of the Recovery Act, and any other Federal officials so authorized, to direct the Michigan’s State

Government to use ARRA funding to stabilize local government budgets in accordance with the provisions of the act.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Vice-President Biden, U.S. Senator Carl Levin, U.S. Senator Debbie Stabenow, Congressman Dale Kildee, Governor Jennifer Granholm, State Senator John Gleason, State Representative Lee Gonzales and the Michigan Municipal League.

Discussion Ensued.

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

Right of Way Permit, Placement of School Banners

Resolution No. 090622-10

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Krueger

I Move the City of Swartz Creek authorize the placement of school logo banners along the Miller Road right of way on light poles, banners as such submitted, and further, to be installed at the direction and supervision of the City's Staff.

Discussion Took Place.

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

Appropriation, Liability & Property Pool Insurance Renewal, MML-Meadowbrook

Resolution No. 090622-11

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Krueger

I Move the City of Swartz Creek approve the renewal of the Liability & Property Pool Insurance Policy, number MML001107823, with the Michigan Municipal League, Meadowbrook Insurance Company, liability maximum of \$10,000,000; and, further, appropriate a total amount of \$64,808 for payment of premiums for July 1, 2009 through June 30, 2010, funds to be appropriated from 101, 590, 591, and 661, in accordance with the cost distribution schedule as apportioned by fund by the Michigan Municipal League and Meadowbrook Insurance Company.

Discussion Ensued.

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

Consumer's Energy Easements, Raubinger Road Bridge Project

Resolution No. 090622-12

(Carried)

Motion by Councilmember Binder
Second by Councilmember Krueger

WHEREAS, the City of Swartz Creek had entered into an agreement with the Genesee County Road Commission by which the City agrees to allocate ownership, operation, and maintenance of the Raubinger Road bridge to the GCRC; and

WHEREAS, the GCRC is currently proceeding with grant funded repairs of the bridge that the City of Swartz Creek is contributing to; and

WHEREAS, such repairs require the relocation of overhead wires and utility poles that belong to Consumers Energy.

NOW, THEREFORE, the City of Swartz Creek hereby approves the two easements as requested and illustrated by Consumers Power for the relocation of overhead wires, a guy stub anchor pole, guy wires, and anchors, a copy of which is attached hereto, and further, directs the Mayor and City Clerk to execute the documents on behalf of the City.

Discussion Took Place.

YES: Shumaker, Abrams, Binder, Hicks, Krueger.
NO: None. 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.

Extend Site Plan Approval, Meijer's Inc.

Resolution No. 090622-14

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Binder

WHEREAS, the City of Swartz approved the site plan for the Meijer Inc. retail store on August 14, 2006 and subsequently approved revisions on August 5, 2008, with the intent that the store would begin construction between 2009 and 2011; and

WHEREAS, the City of Swartz Creek entered into an agreement on October 17, 2008 with Meijer Inc. that addressed, among other issues, the term for the validity of the site plan; and

WHEREAS, Section 13 of the agreement between the City and Meijer Inc., address site plan approval expiration, terms as follows:

This Agreement shall commence on the date set forth in the caption and the Agreement and any and all City permits and approvals shall be renewable in one year increments beginning September 22, 2008 for a period of three (3) years. After three years, the Agreement and all City permits and approvals associated with the Project shall permanently expire unless Meijer has begun construction of the Project.; and

WHEREAS, Meijer Inc. now intends to begin construction of the Swartz Creek store in the spring of 2010 and has officially requested a one year extension of the City's approvals.

NOW, THEREFORE, the City of Swartz Creek hereby approves a one year extension of all approvals between the City of Swartz Creek and Meijer Inc., dated October 17, 2008, said extension to terminate on September 22, 2010 unless otherwise renewed.

Discussion Took Place.

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

2009-2012 Police Labor Contract

Resolution No. 090622-15

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Binder

WHEREAS, the City of Swartz Creek employs its Police Officers under a collective bargaining agreement with the Police Officers Labor Council, the current agreement in full force and effect from July 1, 2006 through June 30, 2009: and

WHEREAS, negotiations between the City Manager and the Bargaining Unit have produced a tentative agreement wherein the contract shall remain unchanged in text, with the exception of wages, being zero percent increase for July 1, 2009 and wage re-open negotiations for July 1, 2010 and July 1, 2011.

NOW, THEREFORE, I Move the City of Swartz Creek approve a Labor Agreement with the Police Officer's Labor Council and direct the City Manager to prepare an agreement wherein the contract shall remain unchanged in text from the 2006-2009 agreement, with the exception of wages, being zero percent increase for July 1, 2009 and wage re-open negotiations for July 1, 2010 and July 1, 2011, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

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

Metropolitan Alliance & Genesee County Metropolitan Planning Commission **(Discussion Topic)**

Councilmember Krueger gave a brief report of what happened at the meeting last week.

MEETING OPENED TO THE PUBLIC

Boots Abrams commented on the well deserved award that the Army presented to the Mayor.

REMARKS BY COUNCILMEMBERS:

Councilmember Binder stated that we are still waiting for the Air Force Statue.

Councilmember Hicks thanked the Women’s Club for the flowers in the City. Ms. Hicks thanked DPS Director Svrcek for the trees planted in the City.

Councilmember Shumaker questioned whether the City would be filming the upcoming construction projects. He was advised that the City would not.

Councilmember Krueger talked about the new park bench that was installed in Elms Road. Mr. Krueger stated that he felt it looked very nice. Mr. Krueger stated that he missed having a reporter from the Swartz Creek News at the meeting. Mr. Krueger encouraged City Manager Bueche to check into whether Workman’s Compensation rates would be reduced due to recent layoffs. Mr. Krueger stated that he is interested in a bike path on Mason Street.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:38 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk