

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 03/09/2009**

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, Deputy City Clerk/Finance Officer Mary Jo Clark, City Attorney Mike Gildner, Director of Public Services Tom Svrcek, City Engineer Mike Royalty.

Others Present: Tommy Butler, Bob Plumb, Boots Abrams, John Gilbert, Ron Schultz, Jim Florence, Sharon Klein, Drain Commissioner Jeff Wright.

**APPROVAL OF MINUTES**

**Resolution No. 090309-01** **(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 February 23, 2009, as presented, 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. 090309-02** **(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of March 9, 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. 090309-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 9, 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:**

Drain Commissioner Jeff Wright talked about the County meeting with Detroit on Tuesday about an offer that is going to be extended to the County regarding partnering on a water pipeline. Mr. Wright spoke about Genesee County passing on its first water rate increase since 2002. Mr. Wright stated that the increase includes the Detroit increase of 16.9% as well as an electrical rate increase from Consumer's Energy. Mr. Wright advised that in August 2009, Detroit is raising their rates another 9.6%.

Mike Hogan, 4457 Windsor Ct. Apt. 3, talked about the sidewalks on Miller Road not being cleaned off this winter. Mr. Hogan questioned whether something could be done to make the sidewalks more passable for next year. City Manager Bueche stated that the City will look at this issue over the summer and see if something can be resolved. Mr. Hogan also stated that he would like the sidewalk that goes from the City parking lot to Mari-Dan Apartments extended through to Berkshire Apartments. Mr. Bueche stated that he would turn it over to Assistant City Manager Zettel to possibly add the area to the trail program.

**COUNCIL BUSINESS:**

**Set Public Hearing, Sewer Use Ordinance Amendment**

**Resolution No. 090309-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek direct the staff to set a public hearing before the Council, in accordance with the City Charter, to hear comments on the proposed amendment to the City's sanitary sewer ordinance.

Discussion Took Place.

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

Brief recess. Re-convened at 8:10pm.

**Appropriation, Design & Construction Engineering, Morrish Road South Project, American Recovery & Re-Investment Act Funded**

**Resolution No. 090309-05**

**(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 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 construction in the summer of 2009; and,

**WHEREAS**, in conjunction with this project, the City initiated preliminary design on December 15, 2008, in the amount of \$11,162 to the City's Engineer, Rowe Professional Services, to repair, mill, re-surface and configure to three lanes, Morrish Road from I-69 to the CNA Rail Crossing, approximately .9 miles; and

**WHEREAS**, an emergency funding package, titled the American Recovery & Re-Investment Act, designed to create jobs and stimulate the economy, was enacted, appropriated and distributed by the United States Congress and the office of the President, the package resulting in an additional allocation of \$9.3 million dollars in transportation money to Genesee County Street Authorities, funds limited to use on Federal Aid Eligible Highways and "shovel ready" projects that can be submitted to the Michigan Department of Transportation for Grade Inspection within 45 days; and

**WHEREAS**, the Morrish Road South Project was submitted to the Genesee County Traffic Improvement Program for criteria evaluation and found to meet the

specifications and qualifications for funding and was subsequently approved for funding at \$300,000 maximum in the first round of projects; and

**WHEREAS**, the allocation specifics are 100% of construction and construction engineering funded, design engineering being the agency responsibility, cost estimates as follows:

|                           | <i>Federal &amp; MDOT</i> | <i>City Match</i> | <i>Sub-Total</i>  | <i>%</i>       |
|---------------------------|---------------------------|-------------------|-------------------|----------------|
| <b>Construction</b>       | <b>\$ 250,000</b>         | <b>-0-</b>        | <b>\$ 250,000</b> | <b>100 - 0</b> |
| <b>Design Engineering</b> | <b>-0-</b>                | <b>\$ 31,028</b>  | <b>\$ 31,028</b>  | <b>0 - 100</b> |
| <b>Const Engineering</b>  | <b>\$ 49,824</b>          | <b>-0-</b>        | <b>\$ 49,824</b>  | <b>100 - 0</b> |
|                           |                           |                   |                   |                |
| TOTALS                    | \$ 299,824                | \$ 31,028         | \$ 330,852        | 91 - 9         |

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek approve the Morrish Road South Project and appropriate an amount not to exceed \$31,028 from 202 Fund, to the City’s Engineer Rowe Professional Services for design engineering, the remainder of the costs including construction and construction engineering to be participating costs of the project, total obligated project funds not to exceed \$300,000.

**BE IT FURTHER RESOLVED**, that the an additional 5% construction contingency (\$16,500) is appropriated, and further, the staff is hereby directed to make all necessary adjustments, transfers and project entries within Fund 202.

Discussion Ensued.

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

**Appropriation & Bid Award, C.D.B.G. Phase I Trail System, Elms Park-Road Enhancement**

**Resolution No. 090309-06**

**(Carried)**

Motion by Councilmember Hurt  
 Second by Mayor Pro-Tem Porath

**WHEREAS**, on July 14, 2008, the City of Swartz Creek amended its three year Community Development Block Grant Distribution Plan, in the total amount of \$37,672, and authorized these funds to be allocated as follows: 15% to the Swartz Creek Senior Citizens Operations in the amount of \$5,650.08, and the remaining 85% to the Elms Road Enhancement Project Phase I in the amount of \$32,021.02; and

**WHEREAS**, the Elms Road Enhancement Project consists of lighting, landscaping, and other streetscape amenities; and

**WHEREAS**, all CDBG projects must be approved by the GCMPC to be bid in accordance with federal statute, the City’s engineer having prepared design and construction plans approved by the GCMPC; and

**WHEREAS**, Consumers Energy is, by contract, the sole provider of public lighting services on city streets and is responsible for all installation of new lines and lights and therefore exempt from the bidding process. An amount of \$21,237.23 was appropriated at the February 9, 2009 Council Meeting for the Elms Road Enhancement Project lighting; and

**WHEREAS**, the remainder of the enhancement improvements were let to bid by the City's Engineer, Rowe Professional Services, bids opened and tabulated on Wednesday March 4, 2009, the low bidder being Lang Construction of, 8065 Sunset Drive, Flint, in the amount of \$14,450, total project costs as follows:

|                            |                   |
|----------------------------|-------------------|
| <b>Construction</b>        | <b>\$ 14,450</b>  |
| <b>Design Engineering</b>  | <b>\$ 2,840</b>   |
| <b>Consumer's Lighting</b> | <b>\$ 21,238</b>  |
| Project Total:             | \$ 38,528         |
| <b>Less C.D.B.G. Funds</b> | <b>-\$ 32,021</b> |
| <i>City Match:</i>         | <i>\$ 6,507</i>   |

**WHEREAS**, after the checking of references, the City's Engineer recommends approval of the low bid.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby accepts the low bid from Lang Construction of 8065 Sunset Drive, Flint, and appropriate an amount not to exceed \$14,450 plus 10% contingency, funds to be allocated from 101 General Fund with re-imbursement of a total project amount of \$32,021 C.D.B.G.

**BE IT FURTHER RESOLVED** that an amount estimated at \$6,507 will be needed to complete this project, be transferred from 202 or 203 Funds at the discretion of City Administration in order to make all necessary financial adjustments.

Discussion Took Place.

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

**Proclamation, Annual Observance of Law Day, May 1, 2009-Genesee County Bar Association**

**Resolution No. 090309-07**

**(Carried)**

Motion by Mayor Abrams  
 Second by Councilmember Hurt

**I Move** the City of Swartz Creek Council affirm the Mayor's Proclamation in observance of Law Day, as follows:

**WHEREAS**, this country was founded on the principle that voluntary adherence to the rule of law expands, rather than limits, the opportunities for freedom; and

**WHEREAS**, a viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose; and

**WHEREAS**, the Law Day 2009 theme “A Legacy of Liberty – Celebrating Lincoln’s Bicentennial”, encourages all Americans to explore the legacy of Abraham Lincoln, regarded by many as one of our nation’s greatest and most eloquent presidents.

**NOW THEREFORE I Richard B. Abrams**, the Mayor of the City of Swartz Creek do hereby proclaim Friday, May 1 2008 as Law Day. I urge the citizens, schools, businesses, legal professionals, and the media for the City of Swartz Creek to use this occasion to preserve and strengthen the rule of law.

**IN WITNESS WHEREOF** I have hereunto set my hand that on May 1, 2009, Law Day in and for the City of Swartz Creek, Genesee County Michigan.

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

**Park Fee Waiver, Elms Park, Fire Department**

**Resolution No. 090309-08**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Shumaker

**I Move** the City of Swartz Creek waive fees associated with the use of Elms Road Park Pavilion #4, on Saturday June 27, 2009, for the Swartz Creek Area Fire Department, from 10:00 AM to 7:00 PM, for their annual picnic.

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

**MEETING OPENED TO THE PUBLIC**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Hicks talked about going to the Capitol Conference in Lansing. Ms. Hicks talked about energy efficiency money available through the EECBG.

Councilmember Binder thanked everyone who helped raise funds for the Veteran’s Memorial. Ms. Binder stated that the Memorial still needs more money.

Councilmember Hurt stated that he found this meeting to be very enlightening.

Councilmember Shumaker questioned a flyer that was put out by the County in reference to recycling in the City. Mr. Shumaker asked if the flyer was accurate as to what materials are acceptable and not acceptable. City Manager Bueche stated that he would check into it. Mr. Shumaker stated that the Veteran's Memorial Committee was hoping to have the Air Force statue installed by Memorial Day. Mr. Shumaker talked about concerns of deficiencies, such as low water hydrants, in the Springbrook and Heritage subdivisions. City Manager Bueche stated that he is aware of the issues and that they will be addressed.

Councilmember Krueger questioned how many lanes are planned on Morrish Road. City Manager Bueche advised that there were three lanes planned. Mr. Krueger stated that he plans to contact people that he knows fairly well on the County Commission and talk to them about the Land Bank acquisition of foreclosed and abandoned homes in the City. Mr. Krueger stated that he spoke to the City Manager and they agree that the City would prefer to handle these homes instead of the Land Bank taking them over. Mr. Krueger talked about the MML workshop that he and Mayor Abrams attended.

Mayor Pro-Tem Porath spoke about energy costs going up in the future.

Mayor Abrams talked about the MML Conference that he attended. Mr. Abrams talked about matching funds and MTA receiving federal grants. Mr. Abrams thanked Commissioner Wright for attending the Council meeting.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:59 p.m.

Richard Abrams, Mayor

Mary Jo Clark, Deputy City Clerk