

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 03/23/2009**

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, Assistant City Manager Adam Zettel, City Clerk Juanita Aguilar, City Attorney Mike Gildner, Director of Public Services Tom Svrcek.

Others Present: Tommy Butler, Bob Plumb, Boots Abrams, John Gilbert, Ron Schultz, Jim Florence, Sharon Klein, City Engineer Lou Fleury.

**APPROVAL OF MINUTES**

**Resolution No. 090323-01**

**(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Krueger

**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. 090323-02**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of March 23, 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. 090323-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 23, 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:**

Boots Abrams announced that she has resigned from the Fire Board after 26 years, effective April 1, 2009.

**COUNCIL BUSINESS:**

**Appropriation & Bid Award, Lawn Care Services**

**Resolution No. 090323-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Binder

**I Move** the City of Swartz Creek accept the low bid of \$760 per cut, from Mike's Services of 1041 Scottwood, Flint Michigan, for lawn mowing services as per the specifications set forth in the bid package, and further, direct the City Manager to draft and execute a contractor services agreement, period extending from April 2009 through October 2010.

Steven Payne of J & S Landscape made a brief presentation. Mr. Payne approached the Council about matching the bid of Mike's Services in order to keep his mowing contract with the City.

Discussion Took Place.

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

**Morrish Road Construction Projects**

**(Discussion Topic)**

Assistant City Manager Zettel made a brief presentation updating the Council on the status of the Morrish Road Construction Projects. Mr. Zettel advised that the City will be receiving \$300,000 to resurface Morrish Road from I-69 south to the railroad tracks.

**Local Street Repair Options**

**(Discussion Topic)**

City Engineer Lou Fleury made a brief presentation about the options the City has for Local Street repairs.

**Appropriation For Design & Bid Engineering, Miller & I-69 Repairs**

**Resolution No. 090323-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$2,832 to the City's Engineer, Rowe Professional Services, for the design, preparation and bid of repairs, consisting of saw cut and pour concrete, for deteriorated areas of Miller Road between Elms Road and Tallmedge Court, total approximate construction costs of ±\$50,000, and further, to bring bid returns back to the Council for review and determination.

Discussion Took Place.

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

**Vehicle Sale, Police Confiscated Property**

**Resolution No. 090323-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Krueger

**WHEREAS**, in March 2008, the Police Department arrested and charged a multiple offender with Operating Under the Influence of Liquor; and

**WHEREAS**, pursuant to Michigan Compiled Laws, Section MCL 257.625n and MCL 600.3801, a complaint for forfeiture of a 1997 Pontiac Bonneville, Vehicle Identification Number 1G2HX52KXBH205199 was filed and an order signed by 7<sup>th</sup> Circuit Judge Neithercut ordering the title transferred to the City of Swartz Creek; and

**WHEREAS**, there are no liens, secured parties, co-owners or any other interests in the vehicle; and

**WHEREAS**, it is in the best interest of the City to sell, by sealed bid to the highest bidder, the forfeited vehicle and settle any and all-outstanding debts.

**NOW THEREFORE, I Move** the City of Swartz Creek direct the staff to sell by sealed bids, to the highest bidder, a 1997 Pontiac Bonneville, Vehicle Identification Number 1G2HX52KXBH205199, and further, direct the clerk to execute a transfer of title.

**BE IT FURTHER RESOLVED** that all proceeds be distributed in accordance with MCL 257.625n and all appropriate postings within the General Fund at the direction of the City's Finance Director.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

#### **MEETING OPENED TO THE PUBLIC**

Tommy Butler, 40 Somerset, suggested sending a petition to the Federal Government in reference to them helping the City with the roads. Mr. Butler stated that Assistant City Manager Zettel's presentation about preventative maintenance on the local streets was great. Mr. Butler recommended putting pressure on the County Commissioners to help the City. Mr. Butler stated that the City has to make the County accountable to us.

John Gilbert, 7459 Miller Road, commented on the empty gas station in the City. City Manager Bueche stated that he is keeping an eye on the situation.

#### **REMARKS BY COUNCILMEMBERS:**

Councilmember Hurt questioned when yard waste pickup starts. He was advised that it begins the first garbage day in April along with wood chipping.

Councilmember Hicks questioned whether anyone checked into if the recycling flyer that was distributed was accurate. City Manager Bueche stated that he had not yet but that he would check into it.

Councilmember Shumaker thanked DPS Director Svrcek for having the street sweeper out and working.

Councilmember Krueger offered to get together with Tommy Butler to exchange ideas about how to communicate with the citizens about City issues.

Mayor Pro-Tem Porath talked about how the County does not collect taxes for local streets. City Manager Bueche stated that the road money that the City gets comes from the Federal Highway Administration to MDOT and then the consortium distributes the

money to jurisdictions in the program. Mr. Porath wanted to point out that he feels that the City Council does a fine job in representing the residents of the City. Mr. Porath questioned whether clear plastic bags can be used for yard waste. He was advised that you could not use plastic.

Mayor Abrams stated that the form of government that the City has, with a City Manager and City Council, is probably the best in the State. Mr. Abrams stated that the continuity is important. Mr. Abrams questioned whether there would be any sort of celebration for the City's 40<sup>th</sup> birthday. City Manager Bueche stated that he would speak to the Hometown Days committee and see if something could be incorporated into that event.

**ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:40 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk