

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 05/26/2009**

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, City Attorney Colin Lintzman, DPS Director Tom Svrcek, Assistant City Manager Adam Zettel.

Others Present: Tommy Butler, Jim Florence, Sharon Klein, Phil Bracey, Sally Creech, Dolores Pobocik, Susan Butler, Boots Abrams, Lou Fleury, Melinda Soper, Robert Morgan, Terry O'Brien.

Resolution No. 090526-01 **(Carried)**

Motion By Councilmember Hurt
Second by Councilmember Shumaker

I Move to excuse Councilmember Poraths absence due to work conflicts.

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

APPROVAL OF MINUTES

Resolution No. 090526-02 **(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 May 11, 2009, as presented, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 090526-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of May 26, 2009 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 090526-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Binder

I Move the Swartz Creek City Council approve the City Manager's Report of May 26, 2009, to be circulated and placed on file.

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

All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Robert Morgan, owner of Bob's Crossbows & Archery, spoke to the Council about a problem with the sign for his business. Mr. Morgan stated that he would like an LED sign and the City ordinance states that he can not have one. Mr. Morgan stated that he would like to see the sign policy reevaluated.

City Manager Bueche stated that he and Assistant City Manager Zettel have both spoken with Mr. Morgan previously. Mr. Bueche stated that the Zoning Board of Appeals would be the proper avenue for Mr. Morgan to pursue a variance.

COUNCIL BUSINESS:

Senior Center Addition, Final Site Plan Approval

Resolution No. 090526-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek, upon recommendation of the Planning Commission, approve the Swartz Creek Senior Center Expansion, with site plan dated May 5, 2009 with the following conditions:

1. Waiver of the westerly fence requirement.
2. Acceptance of the collective parking agreement based upon a common calendar of events.
3. Replacement of bike racks.
4. Removal of existing sidewalk lighting.
5. Administrative review and documentation of the concerns of storm water overflow.

Discussion Took Place.

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

MDOT Contract, State Trunk Line Maintenance Agreement, Bay Region #2009-0387, Miller & I-69 Park & Ride

Resolution No. 090526-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

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, a portion of Interstate #69 runs through the City with entrance – exits at South Morrish Road and at Miller Road; and

WHEREAS, in 2006, the Michigan Department of Transportation constructed a car pool park & ride adjacent to I-69, located east of the freeway and on the south side of Miller Road, the use of which is at capacity on a daily basis; and

WHEREAS, the Michigan Department of Transportation has determined that the lot is in need of some improvements, including, but not limited to lighting, improved snow removal, salt application and garbage collection; and

WHEREAS, the City is willing to perform such services consisting of snow removal, salt application, garbage collection, lawn care services and associated lighting expenses provided that the Michigan Department of Transportation is willing to participate in a cost sharing solution and funds can be used from Major Street 202, Act 51; and

WHEREAS, the Michigan Department of Transportation has expressed a willingness to pay for lighting installation and other improvements and share costs for continued maintenance provided such expense can be limited to a maximum of \$4,000 per year; and

WHEREAS, in order to participate in a shared cost agreement, the City must enter into a State Trunk Line Maintenance Agreement, a copy of which is attached hereto.

NOW, THEREFORE, I Move the City of Swartz Creek enter into a State Trunk Line Maintenance Agreement with the Michigan Department of Transportation, Bay Region Contract #2009-0387 FY2009-2010, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

BE IT FURTHER RESOLVED, that the City Council direct the City Manager to cause the necessary cost center to be created in the City's financial accounting system, 202 Fund Major Streets, with corresponding revenue and expenses, and further, authorize a letter of understanding with the Michigan Department of Transportation as to the scope of the services to be provided for the park & ride.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Appropriation and Bid Award, Purchase Road Salt

Amendment to Resolution No. 090526-07

(Carried)

Motion by Councilmember Krueger

Second by Councilmember Hurt

Whereas, the City possesses the need to purchase 990 tons of rock salt for application to public rights of way during those long, cold Michigan winters; and

Whereas, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

Whereas, the Genesee County Road Commission accepts and awards bids for the purchase of rock salt for application to public rights of way during those long, cold Michigan winters; and

Whereas, a bid has been awarded to the lowest bidder, Detroit Salt Company of 12841 Sanders, Detroit, at a unit cost of \$49.72 per ton, a copy of the bid tabulation attached hereto, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission.

Now, Therefore, Be It Resolved, that the Swartz Creek City Council accept the Genesee County Road Commission's cooperative purchasing extension and appropriate an amount not to exceed \$49,223, plus 10% contingency, for the purchase of rock salt from the low bidder of Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City's Finance Director.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Governor's Annual Labor Day Walk

(Discussion Topic)

Assistant City Manager Zettel spoke about the Governor's Mackinac Bridge walk on Labor Day and the City's involvement. Mr. Zettel has put together a tentative route, tentative sponsors, and plans for the event.

Critical Bridge Funding Application, Morrish Road

Resolution No. 090526-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

Whereas, the City Council of the City of Swartz Creek is required under provisions of the State Department of Transportation's Bridge Funding Program to actively seek funding participation in bridge replacement or rehabilitation, and

Whereas, the City of Swartz Creek's Engineering Consultants, (ROWE, Inc) have inspected the City's bridge system and found there is a need to repair the Morrish Road Bridge over the West Branch of the Swartz Creek, and

Whereas, the available funds in the City of Swartz Creek Street Funds is insufficient to fund bridge rehabilitation, replacement or repair of such a project, and

Whereas, the City of Swartz Creek is street authority responsible for road infrastructure of all major and local streets within the corporate limits, and

Whereas, residents and non-residents of the City of Swartz Creek, as well as official, emergency and commercial vehicles use the bridge on a regular basis, and

Whereas, the City of Swartz Creek still must seek ways to finance and maintain deteriorating infrastructure.

Whereas, the City made initial application for funding for the repair of the Morrish Road Bridge on June 9, 2008, such funding denied.

Now, Therefore, Be It Resolved, the City Council of the City of Swartz Creek direct the City Manager to re-apply and seek participation and funding in the State of Michigan's Department of Transportation Bridge Funding Program for the rehabilitation and repair of the Morrish Road Bridge over the West Branch of the Swartz Creek.

Be It Further Resolved, that a copy of this resolution be attached with the application for local bridge funding.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

City Manager Bueche's Comments

Assistant City Manager Zettel spoke about the banners that have been placed on the street lights in the downtown area. Mr. Zettel spoke about other towns allowing that space to be used by private enterprises and non-profit organizations for advertising purposes. Mr. Zettel stated that he has recently received many calls in reference to the City following the same practice. As the City does not currently have a policy on this, Mr. Zettel brought it to the Council. Mr. Zettel stated that he has been approached by the school about putting public service messages there. The Council decided to wait until the next meeting to get more information and possibly make a decision.

MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, questioned a possible future parking area near the cemetery at Morrish and Fortino. He was advised that it was still in the long term plan. Mr. Butler asked about the code as far as the color for litter barrels at the park and ride. Mr. Butler stated that litter barrels are not supposed to be red. Mr. Butler commented on the man who lives in Gaines Township that rides his bike in the City. Mr. Butler stated that this man does more for the City picking up litter than anyone.

Jim Florence, 4296 Springbrook, spoke on behalf of the Swartz Creek Area Senior Center. Mr. Florence wanted to thank the Council and staff for the many months of listening to him and helping him with the process of the Senior Center addition. Mr. Florence stated that if all goes as planned they will break ground around the first of July.

Dolores Pobocik, 5076 McLain, came to thank the Council for their approval on the Senior Center addition as well as for the restriping on Miller Road.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke about the new black sign bands. Mr. Shumaker stated that he would appreciate it if the City Manager would check the Michigan Traffic Control Manual to ensure that the signs are at the right height for visibility. City Manager Bueche stated that he would check into it. Mr. Shumaker commented on the “standing water” in the City Hall parking lot. Mr. Shumaker stated that he has never seen standing water there. Mr. Shumaker talked about the Police Awards Banquet and stated that it was handled very well.

Councilmember Binder stated that she feels that the littering signs that have been placed around the City are ugly. Ms. Binder stated that the Air Force statue is scheduled to arrive between June 13th and June 20th .

Councilmember Hurt commented on the City pamphlets that were made. Mr. Hurt requested copies that he could distribute. Mr. Hurt reported on the Fire Board. Mr. Hurt stated that the Board now has an active personnel committee which is undertaking the annual review of the Fire Chief starting this month.

Mayor Abrams talked about a ceremony that he attended for Specialist Richard K. Trevithick who was killed 5 years ago last April.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 9:00 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk