

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 10/12/2009**

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, DPS Director Tom Svrcek.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Steve Shumaker, Sharon Klein, Brent Cole.

APPROVAL OF MINUTES

Resolution No. 091012-01

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes, as corrected, for the Regular Council Meeting, held September 28, 2009, 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. 091012-02

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of October 12, 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. 091012-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of October 12, 2009, to be circulated and placed on file.

Discussion Ensued.

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:

None.

COUNCIL BUSINESS:

Adopt 2010 Fire Budget

Resolution No. 091012-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek adopt the revised 2010 Fire Budget, a copy of which is attached hereto.

Discussion Took Place.

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

Cedar Creek Garbage Collection Request

Resolution No. 091012-05

(Postponed)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the collection of garbage, within the terms as set forth in the City's residential garbage collection contract, within the Cedar

Creek Town Homes Complex, 9279 Miller Road, and further, direct the City Manager to prepare an agreement with Cedar Creek Town Homes owner Danny Nemer, and bring the agreement back to the City Council for review and approval.

Discussion Took Place.

Resolution No. 091012-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek postpone a decision on the Cedar Creek Garbage Collection Request until such time as the City Manager can develop a policy on the issue.

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

Appropriation & Bid Award, Parking Lot Snow Removal

Resolution No. 091012-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the City of Swartz Creek accept the low bid of \$344 total, for snow removal as per the specifications set forth in the bid package, and award the work to Snappy Lawn and Landscape of Grand Blanc Michigan, for a period ending May 1, 2011, with the stipulation that Snappy Lawn & Landscape enter into a contractor's agreement with the City.

Discussion Ensued.

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

Appropriation & Bid Award, Participate in Consumer Energy Tree Grant Program

Resolution No. 091012-08

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek applied for and received a grant from the Consumers Energy Forestry Division in the amount of \$2,498 for the purpose of acquiring and planting 'utility friendly' trees in public right of ways; and

WHEREAS, 40% of the proposed project is located within the limits of the Downtown Development Authority and the DDA has approved expending \$3000 of

its streetscape budget to partially fund this grant (limited to 40% of the project cost by state law); and

WHEREAS, the City advertized this project for bids and received the following bid amounts:

KLM Landscaping 66033 Mt. Vernon Washington, MI 48095	Trees: \$3,867.50 Labor: \$2,082.50 <u>Total: \$5,950.00</u>
Ope's 3166 Wintergreen Saginaw, MI 48603	Trees: \$4,196.00 Labor: \$2,250.00 <u>Total: \$6,446.00</u>
Agroscaping 6443 Grand Blanc Rd. Swartz Creek, MI 48473	Trees: N/A Labor: N/A <u>Total: \$6,450.00</u>
United Landscape 62170 Van Dyke Washington, MI 48094	Trees: \$6,920.00 Labor: \$5,000.00 <u>Total: \$11,920.00</u>

NOW, THEREFORE, the City of Swartz Creek hereby approves the tree purchase and planting project as bid by KLM Landscaping in the amount of \$5,950 plus a 10% contingency, with a contribution of \$1,072 from the City's forestry department, a contribution of \$2,380 from the DDA, and a contribution of \$2,498 from Consumers Energy.

Discussion Ensued.

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

Appropriation, Street Striping & Pavement Markings

Resolution No. 091012-09

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

WHEREAS, The City is need of certain services consisting of the restriping of some of its streets and the replacement of selected pavement marking symbols; and

WHEREAS, there are two such contractor's capable of doing the work, PK Contracting of Troy Michigan and M&M Pavement of Grand Blanc Michigan; and

WHEREAS, M&M Pavement is currently under contract and bid award for striping work with the Genesee County Road Commission, contract having expired on September 30, 2009, however, M&M will extend the contract unit pricing to the City

for work done this fall; and

WHEREAS, PK Contracting is the pavement striping and symbol sub-contractor of Lois Kay Construction, Lois Kay being the low bid awarded General Contractor for the Morrish Road South, MDOT-ARRA Funded Project; and

WHEREAS, in review of the two contractor's unit pricing for striping and symbols, M&M is the lowest for striping, but PK is the lowest for pavement marking symbols; and

WHEREAS, in negotiations with both contractor's, they are willing to split the work, M&M to do the striping and PK to do the pavement marking symbols; and

WHEREAS, the City's purchasing ordinance provides for competitive and cooperative bids, but also allows for exceptions in certain circumstances, text as follows: Chapter 2, Article VI, Division 3, Sec 2-402(a), 2, i & ii "...The city council may, at the request of the city manager, authorize the city manager to negotiate a contract for the purchase of any product, material or service with a provider of such product, material or service without regard to the requirements of this section relative to purchases where the city council finds:

- i. Due to circumstances beyond the control of the city, the market for such product, material or service is not competitive even though such product, material or service is normally competitive in nature; and*
- ii. The economic interests of the city are best served by negotiating a contract with a provider of the product, material or service without requesting sealed bids."*; and

WHEREAS, the City Council finds that circumstances exist that the best interest of the City is served by the negotiation pricing and by dividing the work between M&M Pavement and PK Contracting.

NOW, THEREFORE, I Move that the City of Swartz Creek appropriate an amount not to exceed \$5,768 to M&M Pavement of Grand Blanc for striping and \$1,906 to PK Contracting of Troy, for pavement marking symbols, for a total of \$7,764, plus 15% contingency, funds to be posted with 202 Major Streets.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC

A reporter from the University of Michigan requested a Council Packet. City Manager Bueche stated that he would provide one for her.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger questioned the lighting at the Park & Ride. Assistant City Manager Zettel clarified that the County would be paying for cost of putting in the lights and the City would be paying for the use of the electricity. Councilmember Krueger

suggested that the County install the more expensive lights that would save the City in electricity costs. Mr. Krueger stated that he believes two lights, one at each end would be sufficient to light the parking lot.

Councilmember Shumaker spoke about the Veteran's Memorial Committee meeting. Mr. Shumaker stated that the Committee was appreciative that the City was able to add the Veteran's Memorial to the City's Liability insurance.

Councilmember Hicks questioned what was happening with the "piano teacher's" house. City Manager Bueche stated that Sharp's Funeral Home bought the property and he believes that they are going to tear it down.

Councilmember Binder stated that on October 18th at 1:00pm, the Air Force statue will be installed at the Veteran's Memorial. Ms. Binder stated that brick order forms are available online at the City's website.

Mayor Pro-Tem Porath questioned if there was another cable company available in the City besides Comcast. He was advised that there are no other options at this time. Mr. Porath questioned the history of Springbrook Colony.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:15 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk