

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 09/14/2009**

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, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: Hicks.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, Police Chief Rick Clolinger, Lt. Rick Deshano.

Others Present: Boots Abrams, Tommy Butler, Richard Mattson, Sharon Klein, Bob Plumb, Steve Shumaker.

Resolution No. 090914-01

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby excuse the absence of Councilmember Hicks due to her being out of town of vacation.

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

Mayor Abrams introduced Mayor Pro-Tem Porath to give a presentation to Boots Abrams for her service with the Fire Board.

Mayor Abrams presented a certificate to John Gilmore for his years of service on the Board of Review. Mr. Gilmore could not be contacted to receive the award so City Manager Bueche accepted on his behalf.

APPROVAL OF MINUTES

Resolution No. 090914-02

(Carried)

Motion by Councilmember Porath
Second by Councilmember Binder

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held August 24, 2009, as corrected, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 090914-03

(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 September 14, 2009 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 090914-04

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of September 14, 2009, to be circulated and placed on file.

Discussion Ensued.

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

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

MEETING OPENED TO THE PUBLIC:

Richard Mattson, 9251 W. Hill Rd., talked about Art in the Park. Mr. Mattson wanted to express his personal gratitude for everyone's involvement in the event.

Boots Abrams made a presentation to Chief Clolinger for K-9 Ike.

COUNCIL BUSINESS:

Presentation on the police department by Police Chief Rick Clolinger.

Adopt 2009-2010 Revised Budget

Resolution No. 090914-05

(Carried)

Motion by Councilmember Binder
 Second by Councilmember Hurt

WHEREAS, the City adopted its 2009-2010 Fiscal Year Budget at the Regular Council Meeting of June 22, 2009; and

WHEREAS, events occurred beginning June 1, 2009 that affected the calculations made by the City's finance staff, such events consisting of, but not limited to the filing of bankruptcy by General Motors accompanied by Michigan Tax Tribunal filings requesting an 80% relief of tax liabilities; and

WHEREAS, the projected net effect is significant reductions in revenues collected by the City, revenues that primarily support public safety services; and

WHEREAS, the City Staff has calculated such reductions into an amended budget that includes the lay-off of one police officer along with a number of other reductions that have either been implemented or will be shortly.

NOW, THEREFORE, I Move the City of Swartz Creek, in accordance with the General Appropriations and Uniform Budgeting and Accounting Act, revise the existing budget, formerly adopted on June 22, 2009, to the following 2009-2010 Fiscal Budget, based on the following tax mils:

General Operating Levy: 4.8289 mils
 Sanitation Levy: 1.7500 mils

**REVISE 2009-2010 FISCAL BUDGET
 to Council Assumption B**

101 General Fund

Estimated Revenues	Adopted	Revised	Change
General Fund Estimated Operating Revenues	2,034,137	1,992,311	(41,826)
General Fund Estimated Project Revenues	16,771	16,771	0
Total General Fund Estimated Revenues	2,050,908	2,009,082	(41,826)

Appropriations	Adopted	Revised	Change
General Government Activities 101-299	493,916	446,044	(47,872)
Public Safety Activities 301-399	1,102,749	906,425	(196,324)
Public Works Activities 400-799	356,476	373,532	17,056
Other Government Activities 800-999	99,820	263,310	163,490
Total General Fund Operating Appropriations	2,052,961	1,989,311	(63,650)
Total General Fund Project Appropriations	19,771	19,771	0
Total General Fund Appropriations	2,072,732	2,009,082	(63,650)

Effect on General Fund's Fund Balance (21,824) 0 21,824

202 Major Streets Fund

Estimated Revenues	Adopted	Revised	Change
Major Streets Fund Estimated Operating Revenues	265,700	255,200	(10,500)
Major Streets Fund Estimated Project Revenues	850,000	850,000	0
Total Major Streets Fund Estimated Revenues	1,115,700	1,105,200	(10,500)

Appropriations		Adopted	Revised	Change
General Government Activities 101-299		3,500	3,500	0
Public Safety Activities 301-399		0	0	0
Public Works Activities 400-799		118,589	105,958	(12,631)
Other Government Activities 800-999		0	0	0
Total Major Streets Fund Operating Appropriations		122,089	109,458	(12,631)
Total Major Streets Fund Project Appropriations		975,615	975,615	0
Total Major Streets Fund Appropriations		1,097,704	1,085,073	(12,631)
Effect on Major Streets Fund's Fund Balance		17,996	20,127	2,131
203 Local Streets Fund				
Estimated Revenues		Adopted	Revised	Change
Local Streets Fund Estimated Operating Revenue		74,000	71,050	(2,950)
Local Streets Fund Estimated Project Revenue		15,000	15,000	0
Total Local Streets Fund Estimated Revenue		89,000	86,050	(2,950)
Appropriations		Adopted	Revised	Change
General Government Activities 101-299		3,500	3,500	0
Public Safety Activities 301-399		0	0	0
Public Works Activities 400-799		101,083	90,023	(11,060)
Other Government Activities 800-999		0	0	0
Total Local Streets Fund Operating Appropriations		104,583	93,523	(11,060)
Total Local Streets Fund Project Appropriations		146,488	146,488	0
Total Local Streets Fund Appropriations		251,071	240,011	(11,060)
Effect on Local Streets Fund's Fund Balance		(162,071)	(153,961)	8,110
226 Garbage Fund				
Estimated Revenues		Adopted	Revised	Change
Garbage Fund Estimated Operating Revenue		388,425	380,025	(8,400)
Garbage Fund Estimated Project Revenue		0	0	0
Total Garbage Fund Estimated Revenue		388,425	380,025	(8,400)
Appropriations		Adopted	Revised	Change
General Government Activities 101-299		7,000	7,000	0
Public Safety Activities 301-399		0	0	0
Public Works Activities 400-799		400,541	448,737	48,196
Other Government Activities 800-999		22,601	22,601	0
Total Garbage Fund Operating Appropriations		430,142	478,338	48,196
Total Garbage Fund Project Appropriations		0	0	0
Total Garbage Fund Appropriations		430,142	478,338	48,196
Effect on Garbage Fund's Fund Balance		(41,717)	(98,313)	(56,596)
248 Downtown Development Authority Fund				
Estimated Revenues		Adopted	Revised	Change
DDA Fund Estimated Operating Revenue		49,565	49,565	0
DDA Fund Estimated Project Revenue		3,500	3,500	0
Total DDA Fund Estimated Revenue		53,065	53,065	0

Appropriations	Adopted	Revised	Change
General Government Activities 101-299	6,750	6,750	0
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	1,000	1,000	0
Other Government Activities 800-999	5,000	5,000	0
Total DDA Fund Operating Appropriations	12,750	12,750	0
Total DDA Fund Project Appropriations	42,000	42,000	0
Total DDA Fund Appropriations	54,750	54,750	0
Effect on Local Streets Fund's Fund Balance	(1,685)	(1,685)	0
265 Drug Enforcement Fund			
Estimated Revenues	Adopted	Revised	Change
Drug Enforcement Fund Estimated Operating Revenue	104,071	109,517	5,446
Drug Enforcement Fund Estimated Project Revenue	0	0	0
Total Drug Enforcement Estimated Revenue	104,071	109,517	5,446
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0
Public Safety Activities 301-399	104,071	109,517	5,446
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	0	0	0
Total Drug Enforcement Fund Operating Appropriations	104,071	109,517	5,446
Total Drug Enforcement Fund Project Appropriations	0	0	0
Total Drug Enforcement Fund Appropriations	104,071	109,517	5,446
Effect on Drug Enforcement Fund's Fund Balance	0	0	0
275 Senior Citizens Fund			
Estimated Revenues	Adopted	Revised	Change
Senior Citizens Fund Estimated Operating Revenue	0	0	0
Senior Citizens Fund Estimated Project Revenue	0	0	0
Total Senior Citizens Estimated Revenue	0	0	0
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	0	0	0
Total Senior Citizens Fund Operating Appropriations	0	0	0
Total Senior Citizens Fund Project Appropriations	0	0	0
Total Senior Citizens Fund Appropriations	0	0	0
Effect on Senior Citizens Fund's Fund Balance	0	0	0
350 City Hall Debt Fund			
Estimated Revenues	Adopted	Revised	Change
City Hall Debt Fund Estimated Revenue	91,004	91,004	0
Total City Hall Debt Fund Estimated Revenue	91,004	91,004	0
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0

Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	91,004	91,004	0
Total City Hall Debt Fund Appropriations	91,004	91,004	0

Effect on City Hall Debt Fund's Fund Balance 0 0 0

352 Wtr Transmission Debt Fund

Estimated Revenues	Adopted	Revised	Change
Wtr Transmission Debt Fund Estimated Revenue	0	0	0
Total Wtr Transmission Debt Fund Estimated Revenue	0	0	0

Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	0	0	0
Total Wtr Transmission Debt Fund Appropriations	0	0	0

Effect on Wtr Transmission Debt Fund's Fund Balance 0 0 0

401 Capital Projects Fund

Estimated Revenues	Adopted	Revised	Change
Capital Project Fund Estimated Project Revenue	0	0	0
Total Capital Projects Fund Estimated Revenue	0	0	0

Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	1,963	1,951	(12)
Total Capital Projects Fund Operating Appropriations	1,963	1,951	(12)
Total Capital Projects Fund Project Appropriations	0	0	0
Total Capital Projects Fund Total Appropriations	1,963	1,951	(12)

Effect on Capital Projects Fund's Fund Balance (1,963) (1,951) 12

402 Fire Equipment Replacement Fund

Estimated Revenues	Adopted	Revised	Change
Fire Equipment Replacement Fund Est Operating Revenue	1,500	0	(1,500)
Fire Equipment Replacement Fund Est Project Revenue	0	0	0
Total Fire Equip Replacement Fund Est Revenue	1,500	0	(1,500)

Appropriations	Adopted	Revised	Change
General Government Activities 101-299	0	0	0
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	0	0	0
Other Government Activities 800-999	0	84,945	84,945
Total Fire Equip Replacement Fund Operating Approp	0	84,945	84,945
Total Fire Equip Replacement Fund Project Approp	0	0	0
Total Fire Equip Replacement Fund Approp	0	84,945	84,945

Effect on Fire Equip Replacement Fund's Fund Balance	1,500	(84,945)	(86,445)
590 Water Supply Fund			
Estimated Revenues	Adopted	Revised	Change
Water Supply Fund Estimated Operating Revenue	1,354,565	1,338,715	(15,850)
Water Supply Fund Estimated Project Revenue	0	0	0
Total Water Supply Fund Estimated Revenue	1,354,565	1,338,715	(15,850)
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	40,267	61,420	21,153
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	1,240,433	1,271,191	30,758
Other Government Activities 800-999	22,601	22,601	0
Total Water Supply Fund Operating Appropriations	1,303,301	1,355,212	51,911
Total Water Supply Fund Project Appropriations	0	0	0
Total Water Supply Fund Appropriations	1,303,301	1,355,212	51,911
Effect on Water Supply Fund's Fund Balance	51,264	(16,497)	(67,761)
591 Sanitary Sewer Fund			
Estimated Revenues	Adopted	Revised	Change
Sanitary Sewer Fund Estimated Operating Revenue	1,218,000	1,204,650	(13,350)
Sanitary Sewer Fund Estimated Project Revenue	0	0	0
Total Sanitary Sewer Fund Estimated Revenue	1,218,000	1,204,650	(13,350)
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	42,421	63,575	21,154
Public Safety Activities 301-399	0	0	0
Public Works Activities 400-799	878,515	917,959	39,444
Other Government Activities 800-999	77,530	77,530	0
Total Sanitary Sewer Fund Operating Appropriations	998,466	1,059,064	60,598
Total Sanitary Sewer Fund Project Appropriations	159,100	159,100	0
Total Sanitary Sewer Fund Appropriations	1,157,566	1,218,164	60,598
Effect on Sanitary Sewer Fund's Fund Balance	60,434	(13,514)	(73,948)
661 Motor Pool Fund			
Estimated Revenues	Adopted	Revised	Change
Motor Pool Fund Estimated Operating Revenue	159,300	73,288	(86,012)
Motor Pool Fund Estimated Project Revenue	0	0	0
Total Motor Pool Fund Estimated Revenue	159,300	73,288	(86,012)
Appropriations	Adopted	Revised	Change
General Government Activities 101-299	49,326	55,688	6,362
Public Safety Activities 301-399	73,100	72,350	(750)
Public Works Activities 400-799	223,792	151,227	(72,565)
Other Government Activities 800-999	0	0	0
Total Motor Pool Fund Operating Appropriations	346,218	279,265	(66,953)
Total Motor Pool Fund Project Appropriations	0	0	0
Total Motor Pool Fund Appropriations	346,218	279,265	(66,953)
Effect on Motor Pool Fund's Fund Balance	(186,918)	(205,977)	(19,059)

Total Estimated Revenues	6,625,538	6,450,596	(174,942)
Total All Funds Appropriations	6,910,522	7,007,312	96,790

Discussion Took Place.

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

Water Account Overpayment Refund, Apple Creek Apartments

Resolution No. 090914-06

(Carried)

Motion by Councilmember Hurt
 Second by Councilmember Binder

WHEREAS, a software error in the City’s utility billing system has resulted in an overpayment of water supplied to a single building at Apple Creek Station Apartments; and

WHEREAS, an audit of the account from August 1, 2006 through July 31, 2009 indicates an overpayment of \$89,762.70.

NOW, THEREFORE, I Move the City of Swartz Creek appropriate an amount not to exceed \$89,762.70, to Apple Creek Apartments – Piper Realty Inc., overpayment for water supplied to building #4242-G9 Roundhouse Drive, for the period of August 1, 2006 through July 31, 2009, account reconciliation as follows:

Apple Creek Station 4242 Roundhouse #G9

Billing Cycle	Usage	SiH Billed-Water	Billed-Water	Difference
8/1/2006	13,000	\$486.20	\$7,476.80	\$6,990.60
11/1/2006	13,000	\$486.20	\$7,476.80	\$6,990.60
2/1/2007	17,000	\$561.80	\$7,476.80	\$6,915.00
5/1/2007	16,000	\$542.90	\$7,476.80	\$6,933.90
8/1/2007	13,000	\$486.20	\$7,476.80	\$6,990.60
11/1/2007	12,000	\$467.30	\$7,476.80	\$7,009.50
2/1/2008	23,000	\$675.20	\$7,476.80	\$6,801.60
5/1/2008	20,000	\$618.50	\$7,476.80	\$6,858.30
8/1/2008	18,000	\$580.70	\$7,476.80	\$6,896.10
11/1/2008	16,000	\$542.90	\$7,476.80	\$6,933.90
2/1/2009	17,000	\$561.80	\$7,476.80	\$6,915.00
5/1/2009	16,000	\$542.90	\$7,476.80	\$6,933.90
8/1/2009	18,000	\$580.70	\$7,476.80	\$6,896.10
				\$90,065.10

Apple Creek Station 4389 Depot #T3

Billing Cycle	Usage	SiH Billed-Water	Billed-Water	Difference
11/1/2006	13,000	\$486.20	\$467.30	-\$18.90
2/1/2007	14,000	\$505.10	\$467.30	-\$37.80
11/1/2007	13,000	\$486.20	\$467.30	-\$18.90
2/1/2008	16,000	\$542.90	\$467.30	-\$75.60
4/30/2008	16,000	\$542.90	\$467.30	-\$75.60
7/31/2008	16,000	\$542.90	\$467.30	-\$75.60
				-\$302.40

Net Total Overbilled

\$89,762.70

Discussion Took Place.

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

2010 Fire Budget, Refer For Adjustment

Resolution No. 090914-07

(Carried)

Motion by Mayor Pro-Tem Porath
 Second by Councilmember Hurt

I Move the City of Swartz Creek refer the proposed 2010 Fiscal Year Fire Budget back to the Swartz Creek Area Fire Department Board for review with the stipulation that it be adjusted to reflect a 10% reduction from last year's actual expenses.

Discussion Ensued.

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

2009-2012 AFSCME Labor Agreement

Resolution No. 090914-08

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek employs its Administrative Assistants and Public Works Employees under a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), the current agreement expired, but in force 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 enter into a Labor Agreement with the A.F.S.C.M.E., a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the contract on behalf of the City.

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

Appoint Electrical, Mechanical and Plumbing Inspectors

Resolution No. 090914-09

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, the State approved the City's ordinance and application to conduct electrical, mechanical and plumbing inspections; and

WHEREAS, the State approved the qualifications of the inspector's submitted by the City, Electrical Inspector Leon Buning of 3157 West Dartmouth, Flint, and the Mechanical and Plumbing Inspector, Robert R. Davis of 629 North Lapeer Street, Davison; and

WHEREAS, the City is prepared to begin such inspections and appoint Mr. Buning and Mr. Davis as the City's Electrical, Mechanical and Plumbing Inspectors'.

NOW, THEREFORE, I Move the City of Swartz Creek appoint Leon Buning of 3157 West Dartmouth, Flint, as the City's Electrical Inspector and Robert R. Davis of 629 North Lapeer Street, Davison as the City's Mechanical and Plumbing Inspector, and further, direct the City Manager to prepare a contractor's agreement specifying the scope of duties and compensation and bring the agreement back to the Council for review and final approval.

Discussion Ensued.

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

Delinquent Water-Sewer Accounts

(Discussion Topic)

City Manager Bueche went over the status of delinquent water/sewer accounts.

MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, questioned whether the other jurisdictions that use Ike cover the expenses for the time that he is used. Chief Clolinger advised that the situation would be just like if another officer crossed jurisdictions to assist.

Boots Abrams thanked everyone for her certificate and recognition.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger talked about visiting ITT Tech. Mr. Krueger spoke to them about using them to produce commercials for to promote the City. Mr. Krueger stated that a lot of the trees along Elms Rd. near the park are dying and he wondered if anyone knew why. He was advised that it was the Ash Bore.

Councilmember Shumaker spoke about the blighted properties being fenced off. Mr. Shumaker was concerned about an open well pit that was full of water at the Grove St. address.

Councilmember Hurt thanked the Police Chief for his presentation, which he found helpful.

Mayor Pro-Tem Porath talked about newspaper articles about some municipalities letting some of their roads go back to gravel. Mr. Porath wondered if the City was at that point yet. City Manager Bueche stated that was probably not a viable option for the City.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 9:56 p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk