

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 03/28/2011**

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, City Clerk Juanita Aguilar, DPS Director Tom Svrcek.

Others Present: Boots Abrams, Sharon Shumaker, Bob Plumb, Tommy Butler, Rick Ballreich, Shirley Oliver, Jim Duso, Ron Hawley, Mary Carey, Jerry Parker, Gina Parker, John Mullren, Lyle Schlueter, Lou Fleury, Charles Brunette, Jim Florence, Ron Schultz, Randall Schiestel.

**APPROVAL OF MINUTES**

**Resolution No. 110328-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, as corrected, held March 14, 2011, to be circulated and placed on file.

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

Mayor Abrams introduced Jared Welohonsky, legislative assistant to State Senator John Gleason, who was present to listen to the Council's concerns as to State government.

**APPROVAL OF AGENDA**

**Resolution No. 110328-02**

**(Carried)**

Motion by Mayor Pro-Tem Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of March 28, 2011 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. 110328-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 28, 2011, to be circulated and placed on file.

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:**

Mayor Abrams presented proclamations to Specialist Jessica Parker, U.S. Army, and Corporal Nicholas Parker, U.S. Army. Proclamations were presented to Corporal Parker's mother as both are deployed at this time.

Mayor Abrams presented a proclamation for the 2011 Annual Law Day Observance, as requested by the Genesee County Bar Association.

Ronald Hawley, 8518 Chesterfield, spoke about his concerns for the state of repair on Chesterfield Drive. Mr. Hawley stated that the whole thing and mainly the East end need to be replaced.

**Council Business**

**Appropriation, Construction Engineering Miller-Elms Project**

**Resolution No. 110328-04**

**(Carried)**

Motion by Councilmember Hicks  
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 Miller Road between Elms Road and Tallmadge Court, inclusive of the intersection of Miller and Elms and points north and south of the intersection, and further, the project has been designed, approved by the Michigan Department of Transportation, let for bid and a contract awarded to the low bidder, being Cadillac Asphalt LLC of Wixom Michigan, in the amount of \$507,816.54; and,

**WHEREAS**, the City's contracted engineering firm, Rowe Professional Services Inc. is under contract awarded in July 2008 after the completion of a Qualification Based Selection Process; and

**WHEREAS**, the City's Engineer, Rowe Professional Services Inc. has submitted a proposal for construction engineering, testing and observation services in the amount of \$59,160, that together with design engineering totals \$86,844, 17% of the total project costs.

**NOW, THEREFORE, I Move** the City of Swartz Creek appropriate an amount not to exceed \$59,160 to the City Engineer Rowe Professional Services Inc., to perform construction engineering, testing and observation services for the Miller Elms Project, funds to be posted in the City's Major Street Fund 202

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **Delinquent CCIF Fees, Appropriation and Recovery**

**Resolution No. 110328-05**

**(Carried)**

Motion by Councilmember Binder

Second by Councilmember Hurt

**WHEREAS**, the Genesee County Division of Water & Waste Systems instituted a County Capital Improvement Fee in May, 2001, the fee replacing obligations for system improvements for local communities, the amount of the fee set at \$1,000 for each Residential Equivalency Unit, payable directly to the County at the time of the connection; and

**WHEREAS**, developers with approved projects pre-purchased connection tap fees as a method of avoiding the payment of such fees, the County responding by extending the collection of such fees for one year, until May 2002, at which point such fees would be payable on all Residential Equivalency Unit connections; and

**WHEREAS**, the County charged local communities with the responsibility of guaranteeing the developers' payment of the Capital Improvement Fee, however, failed to create an adequate system for the reconciliation of balances owed; and



**FURTHER**, the Council authorizes appropriate entries into the City's financial accounting systems to allow the set up of receivable, payable and invoicing accounts, at the discretion of the City's Finance Director.

Discussion Took Place.

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

**Park Fee Waiver Request, Elms Pavilion #2, Cub Scout Pack #122**

**Resolution No. 110328-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Binder

**I Move** the City of Swartz Creek approve the use of, and grant a waiver of fees for the use of Elms Road Park Pavilion #2 on Saturday May 21, 2011 from 9:00 AM and 6:00 PM, for Cub Scout Pack #122.

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

**Utility Transfer Agreement, Springbrook Colony Condominium Association, Water & Sanitary Sewer**

**Resolution No. 110328-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek enter into an agreement with the Springbrook Colony Condominium Association for the permanent transfer of the Associations water and sanitary sewer systems to the City, terms as set forth in the agreement, a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City.

Discussion Ensued.

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

**Appropriation, Springbrook East Special Assessment District, Design Engineering, Execute Special Assessment Agreement**

**Resolution No. 110328-08**

**(Carried)**

Motion by Mayor Pro-Tem Krueger  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek direct the Mayor and the City Clerk to execute an agreement with Springbrook East Condominium Association, a draft template attached hereto, the actual document to be approved by the City Attorney and substantially corresponding to the template, and further, after the execution of the agreement, appropriate an amount not to exceed \$9,838 from the City's General Fund, to the City's Engineer, Rowe Professional Services Inc, for design engineering and bid documents regarding repairs and final overlay for streets within the association, in accordance with specifications set forth in the proposal, costs to be added to the Springbrook East Special Assessment Project. Be it further directed that the City's staff set up a project within its accounting system to track expenses and revenues related to the Springbrook East Condominium Association Special Assessment District.

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

**Appropriation, Heritage Village Special Assessment District, Design Engineering, Execute Special Assessment Agreement**

**Resolution No. 110328-09**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**WHEREAS**, with the final site plan approval for the Heritage Village Site Condominium Project, the City enacted a Traffic Impact Fee of \$200 per new house start, purpose of the fee being future traffic improvements that might be needed along Bristol Road as the project developed out; and

**WHEREAS**, recent economic conditions have halted development with the likelihood that it will remain so indefinitely, and further, have left the streets unfinished with no resolve to finish them other than the creation of a special assessment district; and

**WHEREAS**, traffic impact funds collected by the City amount to \$15,300, ledger as follows:

11/10/2010

GL ACTIVITY REPORT FOR CITY OF SWARTZ CREEK  
 FROM 202-410.003-450.000 TO 202-410.003-450.000  
 TRANSACTIONS FROM 07/01/2001 TO 10/31/2010

Date	JNL	Type	Description	Reference #	Credits	Balance
Fund 202 Major Street Fund						
07/01/2001			202-410.003-450.000 Traffic Improve	BEG. BALANCE		0.00
07/23/2002	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	800.00	(800.00)
08/20/2002	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	1,000.00	(1,800.00)
10/11/2002	CR	CR	Cash Drawer: TWO Type: MISC	TWO /MISC	200.00	(2,000.00)
10/14/2002	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(2,200.00)
10/24/2002	CR	CR	Cash Drawer: TWO Type: MISC	TWO /MISC	200.00	(2,400.00)
11/21/2002	CR	CR	Cash Drawer: TWO Type: MISC	TWO /MISC	400.00	(2,800.00)
12/12/2002	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(3,000.00)
12/30/2002	CR	CR	Cash Drawer: TWO Type: MISC	TWO /MISC	200.00	(3,200.00)
01/03/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(3,400.00)
01/28/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(3,600.00)
02/18/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	600.00	(4,200.00)
03/11/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(4,400.00)
04/21/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	300.00	(4,700.00)
05/09/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(4,900.00)
05/23/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(5,300.00)
06/11/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(5,500.00)
07/16/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(5,900.00)
08/08/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(6,100.00)
08/10/2003	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(6,500.00)
04/27/2004	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(6,700.00)
12/03/2004	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	800.00	(7,500.00)
12/09/2004	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	600.00	(8,100.00)
01/21/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(8,500.00)
04/14/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(8,700.00)
04/15/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(8,900.00)
06/17/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(9,300.00)
07/01/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(9,500.00)
10/21/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	600.00	(10,100.00)
10/25/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(10,300.00)
11/02/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(10,500.00)
11/30/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(10,900.00)
12/20/2005	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(11,100.00)
01/01/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(11,300.00)
03/15/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(11,500.00)
03/23/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(11,700.00)
04/17/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(11,900.00)
05/04/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(12,100.00)
05/30/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(12,300.00)
06/15/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(12,500.00)
07/19/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(12,700.00)
07/25/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(12,900.00)
08/03/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(13,100.00)
10/03/2006	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(13,300.00)
01/16/2007	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(13,500.00)
02/15/2007	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(13,700.00)
03/06/2007	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(13,900.00)
06/07/2007	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	400.00	(14,300.00)
10/02/2007	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(14,500.00)
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01/11/2008	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(14,700.00)
02/22/2008	CR	CR	Cash Drawer: ONE Type: MISC	ONE /MISC	200.00	(14,900.00)
06/05/2008	CR	CR	Miscellaneous 06/05/2008	69	200.00	(15,100.00)
07/11/2008	CR	CR	Miscellaneous 07/11/2008	167	200.00	(15,300.00)
07/01/2009			2009-10 Fiscal Year Begin			0.00
07/01/2010			2010-11 Fiscal Year Begin			0.00
10/31/2010			202-410.003-450.000	END BALANCE		0.00
			Cumulative Net Debits and Credits:		15,300.00	(15,300.00)

**WHEREAS**, the City finds that funds collected from the traffic impact fees would best be suited to help off-set costs associated with a special assessment district, and specifically, for design engineering fees.

**NOW, THEREFORE, I Move** the City of Swartz Creek direct the Mayor and the City Clerk to execute an agreement with Heritage Village Condominium Association, a draft template attached hereto, the actual document to be approved by the City Attorney and substantially corresponding to the attached template, and further, after the execution of the agreement, appropriate an amount not to exceed \$12,402 from the Heritage Village SAD Project, to the City's Engineer, Rowe Professional Services Inc, for design engineering and bid documents regarding repairs and final overlay for streets within the association, in accordance with specifications set forth in the proposal, costs to be added to the Heritage Village Special Assessment Project. Be it further directed that the City's staff set up a project within its accounting system to track expenses and revenues related to the Heritage Village Condominium Association Special Assessment District, and further, transfer into the project \$15,300 being traffic impact fees collected from July, 2002 and July, 2008 with each building permit issued for new house starts within Heritage Village Condominium Association.

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

**NPDES-IDEF Surface Water Management**

**(Discussion Topic)**

City Manager Bueche spoke briefly about the City's outfalls.

**MEETING OPENED TO THE PUBLIC**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath stated that the City should do whatever is necessary to get the County out of the City's business. Mr. Porath stated that the City should look at placing pensions where the State has no access to them.

Councilmember Shumaker stated that he believes the County should take a look at how they do their billing.

Councilmember Hurt spoke about the condition of Chesterfield Drive. Mr. Hurt stated that if there was any way the City could fix the road, it would.

Mayor Pro-Tem Krueger questioned if the Council would be interested in looking further into the Governor's plan to reinvent Michigan government, local consolidation and changing the way the City does things. Mr. Krueger also asked the Mayor if there was a plan to have another council meeting and picnic in the park this year.

Mayor Abrams spoke about the County ambulance plan being abandoned.

**Adjournment**

**Resolution No. 110328-10**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:35 p.m.

YES: Unanimous Voice Vote.  
NO: None. Motion Declared Carried.