

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 08/13/2012**

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, Shumaker.

Councilmembers Absent: Hicks, Porath.

Staff Present: City Manager Paul Bueche, Deputy City Clerk Deanna Korth, Police Chief Rick Clolinger, Officer Nick Paul and K-9 Officer Ike.

Others Present: Tommy Butler, Boots Abrams, Bob Plumb, Sharon Shumaker, Ron Schultz, Steve Shumaker.

Resolution No. 120813-01

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council hereby excuse Councilmember Porath due to being out of town and Councilmember Hicks due to a prior commitment.

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

APPROVAL OF MINUTES

Resolution No. 120813-02

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Binder

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held July 23, 2012, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 120813-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of August 13, 2012, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 120813-04

(Carried)

Motion by Councilmember Binder
Second by Mayor Pro-Tem Krueger

I Move the Swartz Creek City Council approve the City Manager's Report of August 13, 2012, to be circulated and placed on file.

Discussion took place.

YES: Krueger, 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:

Everett Hubbard, 8333 Miller Road, questioned the readiness to serve charges on the water/sewer bill. Mr. Hubbard wanted an accounting for that fee, how many residents have to pay it and how long does this fee apply? City Manager Bueche explained that the Readiness to Serve charges applied to all of the fixed maintenance charges. Mr. Bueche offered to meet with Mr. Hubbard at a later time to explain in better detail.

COUNCIL BUSINESS:

Women's Club Donation, Police Canine Program

Boots Abrams and Councilmember Binder presented a check from the Women's Club to Officer Nick Paul and K-9 officer Ike for the police canine program. Mrs. Abrams also presented Chief Clolinger with a \$100 check for the Cops in the Park program.

Resolution No. 120813-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek, with great appreciation and gratitude, accept the donation of \$1,700 from the Swartz Creek Women's Club, funds to be used in support of the City's Police Canine Program.

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

Chief Clolinger spoke briefly about some projects that have been done by the police department recently, including Camp 911 and the Cops in the Park program. Chief Clolinger thanked the Women's Club and the Kiwanis Club for their donations.

Appropriation, Police Vehicle Transitions, Equipment Purchases & Installations

Resolution No. 120813-06

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Krueger

WHEREAS, the City finds the need to transfer and update equipment within the police vehicle fleet, consisting of the removal of items from a 2005 Ford Crown Vic and the transfer and replacement of items to a 2009 Dodge Charger, and, the installation of police equipment into a 2012 Dodge Charger; and

WHEREAS, there are a number of manufactures of such equipment and the purchase, transfer and installation are technical in nature and for safety reasons require specialized services; and

WHEREAS, due to the technical nature of installation and maintenance of police vehicle equipment, there are very few firms that provide such services; 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 finds that the market for such product is not competitive even though such product, material or service is normally competitive in nature.

NOW, THEREFORE, I Move the City of Swartz Creek appropriate an amount not to exceed \$8,976, plus 10% contingency, to Great Lakes Emergency Products of Linden Michigan, for the removal, transfer and purchase of various police vehicle equipment, in accordance with the specifications as presented, funds to be taken from Motor Pool 661, and further, authorize a Motor Pool Fund Balance transfer for any deficit amount and/or the use of donated police canine funds for expenses that relate to the change over and build up of the Police Canine Vehicle.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

City Property Auction: Police Vehicle, Miscellaneous Equipment

Resolution No. 120813-07

(Carried)

Motion by Mayor Pro-Tem Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the sale, by the municipal auction web site Bidcorp.com, of various items including a 2005 Ford Crown Victoria Police vehicle, VIN #2FAHP71W85X159275, along with miscellaneous equipment consisting of, but not limited to; old police vehicle equipment, prisoner partitions, seats, light bars, mounts, office desks, out-dated computer equipment, etc., and further, file a report with the Council on the successful sale of all items and what items do not sell, and the corresponding revenues.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Section #19 State Grant Application, May 3-4 2012 Flood & Damage Relief

Resolution No. 120813-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek City Council, located in Genesee County, Michigan, is a political subdivision within the State of Michigan with an official Emergency Operations plan in compliance with Section 19 of the Emergency Management Act, Act 390, Public Acts of 1976, as amended; and

WHEREAS, the City of Swartz Creek sustained significant losses brought on by high winds and heavy rainfall, estimated by meteorologists to be 70 mph and nearly ten inches of rainfall in a twelve hour period, resulting in 400-500 homes flooded, numerous trees downed, large scale power outages, significant damage to an apartment complex that destroyed sixteen apartments, minor washout of catch basins to a variety of City Streets with heavy damage to a major street at a freeway overpass and significant flood damage to a high school; and

WHEREAS, the City of Swartz Creek City Council certifies that the Genesee County Emergency Operations Plan was implemented at the onset of the disaster at approximately 10:00 A.M. on Friday May 4, 2012 and all applicable disaster relief forces identified therein were exhausted.

WHEREAS, as a direct result of the disaster, public damage and expenditures were extraordinary and place an unreasonably great financial burden on the City of Swartz Creek, totaling an amount to be determined by staff and submitted with the grant.

NOW, THEREFORE BE IT RESOLVED THAT the City of Swartz Creek City Council requests the Governor authorize a grant to the City of Swartz Creek from the State Disaster Contingency Fund pursuant to Section 19, Act 390, Public Acts of 1976, as amended.

FURTHERMORE, City Manager Paul Bueche is authorized to execute for and in behalf of the City of Swartz Creek the application for financial assistance and to provide to the State any information required for that purpose.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Shared Services Initiative, Appoint Review Committee

Resolution No. 120813-09

(Carried)

Motion by Mayor Abrams

Second by Councilmember Binder

I Move the City of Swartz Creek appoint a temporary committee of Councilmembers Mayor Abrams, Mayor Pro-Tem Krueger and Councilmember Hurt, for the purpose of reviewing with staff, the draft Shared Services Initiative Report completed by

Municipal Consulting Services LLC, and further, bring back findings and recommendations to the City Council for review and consideration.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Winshall Drive Sanitary Sewer Bid Options

(Discussion)

City Manager Bueche spoke about sewer rehab work on Winshall Drive and repairs that need to be made.

I-69 Morrish Overpass, Flood Damage Repair

(Discussion)

City Manager Bueche explained how the overpass was repaired after the flood damage and possible changes that need to be made in the future to stop the same damage from occurring again.

MEETING OPENED TO THE PUBLIC:

Tommy Butler, 40 Somerset, asked if Meijer makes donations to the community like Wal Mart does. Mr. Butler asked how delinquent bills are collected by the City. Mr. Bueche explained that delinquent water/sewer bills, sidewalks and weeds will go on the tax roll.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke about the State of Michigan having a Pledge of Allegiance. Mr. Shumaker talked about Len Thomas, the President of the Historical Society, now being a published author.

Mayor Pro-Tem Krueger questioned whether the City could provide his new neighbor with documentation that says his house is not in a flood zone so that he can get flood insurance. City Manager Bueche advised that FEMA sets the flood zones, not the City. Mr. Bueche made suggestions as to different avenues he could take to possibly get flood insurance, but that there is nothing the City can do. Mr. Krueger questioned the status of the lawsuits against the City from the flood damage in May. Mr. Bueche advised that FOIA notices were served to the City and complied with.

Mayor Abrams spoke about the garbage company dropping the garbage cans in the road after they were emptied.

Adjournment

Resolution No. 120813-10

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Hurt

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:24 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.

Richard Abrams, Mayor

Deanna Korth, Deputy Clerk