

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 6/24/2013**

The meeting was called to order at 7:02 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Gilbert, Hicks, Krueger, Shumaker.

Councilmembers Absent: Hurt, Porath.

Staff Present: City Manager Paul Bueche, Deputy Clerk Deanna Korth, Chief of Police Rick Clolinger, Lt. Matt Bade.

Others Present: Boot Abrams, Ed Benning, Tommy Butler, Sharon Shumaker, , Larry Cummings, Jim Florence, Bob Plumb Ron Schultz, Mike Messer.

Resolution No. 130624-01

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council excuse the absence of Councilmember Hurt he is on vacation and Councilmember Porath excuse his absence last meeting and this meeting due to work.

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

APPROVAL OF MINUTES

Resolution No. 130624-02

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday , June 10, 2013 as corrected to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 130624-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approves the Agenda, for the Regular Council Meeting of June 24, 2013, to be circulated and placed on file.

YES: Hicks , Krueger, Shumaker, Abrams, Gilbert.

NO: None. Motion Declared Carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 130624-04

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro Tem Abrams

I Move the Swartz Creek City Council approve the City Manager's Report of June 24, 2013, to be circulated and placed on file.

YES: Krueger, Shumaker, Abrams, Gilbert, Hicks.

NO: None. Motion Declared Carried.

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

MEETING OPENED TO THE PUBLIC:

Chief Rick Clolinger, Lt. Matt Bade

Presentation

Chief Rick Clolinger introduced our new Lt. Matt Bade. Chief commented that Matt Bade started two weeks ago and was head and shoulders over all the other ten applicants. He has a great educational background and investigations experience. He retired from the Burton Police Dept. with 24 years of service.

Lt. Matt Bade introduced himself and he comes from a police family. He is very happy to be here and said the community is very welcoming. He is looking forward to his career with the city and thanked council for having him.

County WWS-KWA, Jeff Wright

Presentation

Jeff Wright updated council on the Karagondi Water Authority. He wanted to let council know that there is a groundbreaking ceremony Friday June 28, 2013 at the site, for the 1 ½ mile long pipe that is going out into the lake. An increase depends on how much Detroit

continues raising its rates, but an approximate increase of \$4.00-\$6.00 per 1,000 cubic feet per month for average homeowner is currently projected.

Mr. Ed Benning, MTA Director

Presentation

Mayor Pro Tem Abrams commented that Mr. Benning was invited to meeting per his request, and introduced him to the council.

Mr. Ed Benning commented that MTA and Swartz Creek's partnership goes back into the 80's. Mr. Benning introduced Mike Messer, Service Center Manager at Miller Rd. Your ride service provides approximately 4000 trips monthly in this community. Public transit is growing substantially. Mr. Benning invited everyone for a tour if interested. Mike Messer announced that as of June 17th they increased shuttle service in the Swartz Creek area,

Boot Abrams, 5352 Greenleaf Dr., presented the City with a check for \$300.00 towards the flowers for the downtown beautification from the Swartz Creek Women's Club.

Jim Florence, 4296 Springbrook Dr., President of the Swartz Creek Senior Center, commented that he would like to see a collaboration with MTA for transportation for the seniors so the senior centers would not need to have buses.

5 Minute Break

COUNCIL BUSINESS:

COUNTY TREASURER' AGREEMENT, ACQUIRE TAX REVERTED PROPERTY #58-03-576-014

Resolution No. 130624-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, on June 10, 2013 at a public meeting, the Swartz Creek City Council reviewed the staff recommendation to acquire parcel #58-03-576-014, the parcel being a Genesee County Treasurers' tax reverted property currently under foreclosure; and

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the property, purpose being that the lot is an "out-lot" and unbuildable as defined by City Ordinance, its dimensions being ±20' frontage x ±150' depth, and further, acquisition of the lot would allow for access to public utilities from undeveloped properties along the north side of West Hill Road West of Seymour; and

WHEREAS, the City Council approved the acquisition process to obtain the lot, excerpts from the official record of minutes as follows:

TAX REVERTED PROPERTIES

City Manager Paul Bueche opened the discussion with there are twelve properties that we can acquire for three years back taxes, three houses and nine vacant parcels. One of the parcels is on Hill Rd. which could allow us a future access point to a sewer line. Mr. Bueche feels this parcel is the only one that has public purpose. The back taxes on this parcel are \$971.00.

Resolution No. 130610-11

(Carried)

*Motion by Mayor Pro Tem Abrams
Second by Councilmember Hicks.*

I Move the Swartz Creek City Council initiate the procedures to secure a property, 58-03-576-014 for public purposes.

YES: Shumaker, Abrams, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

WHEREAS, the County Treasurers' Office requires certain conditions and stipulations relative to the acquisition of tax reverted properties by local units of government.

NOW, THEREFORE, I Move the City of Swartz Creek enter into an agreement with the Genesee County Treasurers' Office, and further, direct the Mayor Dave Krueger and City Clerk to execute the agreement on behalf of the City, agreement as follows:

NOTICE TO GENESEE COUNTY TREASURER DEBORAH L. CHERRY, THE FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO PURCHASE FORECLOSED PROPERTY

The City of Swartz Creek hereby notifies Deborah L. Cherry, Genesee County Treasurer and Genesee County Foreclosing Governmental Unit, that it intends to purchase property described as parcel 58-03-576-014, also known as Hill Rd, which property is located in Swartz Creek, Michigan, for a public purpose. The purchase price is \$971.01, which amount is the minimum bid as that term is defined in MCL 211.78m (11).

The public purpose for which the property is being purchased is:

Acquisition as an easement with access to a 10" sewer line located on the south side of the property. The lot is unbuildable based on dimensions, being ±20' frontage x ±150' depth

The City of Swartz Creek agrees that this Notice will be filed with the Genesee County Register of Deeds and that the City of Swartz Creek will notify the Foreclosing Governmental Unit at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the City of Swartz Creek understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the Genesee County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the City of Swartz Creek.

Upon the request of the Foreclosing Governmental Unit the City of Swartz Creek shall provide without cost to the Foreclosing Governmental Unit information requested regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

This election by the City of Swartz Creek is made subject to any prior right of election vested in the State of Michigan.

The City of Swartz Creek understands that neither Genesee County nor Deborah L. Cherry, either individually and/or as Genesee County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the City of Swartz Creek and will not indemnify, defend, save nor hold harmless the City of Swartz Creek from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the City of Swartz Creek because of or related to its election to purchase the property above described.

The City of Swartz Creek agrees to indemnify, defend, save and hold harmless Genesee County and Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Genesee County and/or Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Swartz Creek to purchase the property above described.

Attached to this notice is a copy of the resolution authorizing the purchase which resolution incorporates the indemnification of Genesee County and Deborah L. Cherry.

Date: _____

David Krueger, Mayor

Date: _____

Juanita Aguilar, City Clerk



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

BOARDS & COMMISSION APPOINTMENTS

Resolution No. 130624-06A-J

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

#130624-8B **COUNCIL RE-APPOINTMENT:** Board of Review
Three-Year Term Expiring June 30, 2016

WANDA TYLER

- | | | |
|------------|--|---------------------------|
| #130624-8C | <u>MAYOR APPOINTMENT:</u> Fire Board Vacancy
City Citizen Representative
Term Expiring November 10, 2014 | JOHN KNICKERBOCKER |
| #130624-8D | <u>MAYOR APPOINTMENT:</u> Local Officer
Compensation Commission, Fill Vacancy
Remainder of Three-Year Term
Expiring September 30, 2013 | BOB PLUMB |
| #130624-8E | <u>MAYOR APPOINTMENT:</u> Local Officer
Compensation Commission,
Remainder of Three-Year Term
Expiring September 30, 2014 | RONALD SCHULTZ |
| #130624-8F | <u>MAYOR APPOINTMENT:</u> Local Officer
Compensation Commission,
Remainder of Four-Year Term
Expiring September 30, 2015 | DAVID ALEXANDER |
| #130624-8G | <u>MAYOR APPOINTMENT:</u> Local Officer
Compensation Commission,
Remainder of Three-Year Term
Expiring September 30, 2014 | TOMMY BUTLER |
| #130624-8H | <u>MAYOR APPOINTMENT:</u> Parks & Recreation
Advisory Board Vacancy
Remainder of Three-Year Term
Expiring December 31, 2015 | EDNA GILBERT |
| #130624-8I | <u>MAYOR APPOINTMENT:</u> Parks & Recreation
Advisory Board Vacancy, Alternate
Remainder of Three-Year Term
Expiring December 31, 2015 | LARRY CUMMINGS |
| #130624-8J | <u>MAYOR RE-APPOINTMENT:</u> Planning Commission
Three-Year Term expiring June 30, 2016 | KATHY RIDLEY |
| #130624-8K | <u>MAYOR RE-APPOINTMENT:</u> Planning Commission
Three-Year Term expiring June 30, 2016 | BUD GRIMES |

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

PERKINS LIBRARY DONATION

Resolution No. 130624-07

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro Tem Abrams

I Move the City of Swartz Creek, with sincere gratitude; accept the donation from the family of Mr. James Spaulding, for the purchase and installation of a garden fountain at the Perkins Library Complex, and direct the staff to send a letter of

thanks and appreciation.

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

MEETING OPEN TO PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert wanted to thank everyone for coming out to the Veterans Memorial Ceremony.

Councilmember Hicks commented on ideas for Officer Szmansky, regarding the Cops in the Park Program, painting flower pots and put flowers in pots to take home.

Councilmember Shumaker thanked the Mayor and Mayor Pro Tem for their speeches at Flag Day Ceremony. He commented if anyone wants a brick please order one soon. He commented on parking signs in Parkridge Subdivision. He also voiced concern for replacement funds for water/sewer mains. City Manager Paul Bueche replied not sure what the solution is.

Mayor Pro Tem Abrams mentioned that at least 2 years ago money was paid out to the County for repair of the bridge at Raubinger Road and wanted to know why signs were still there that bridge is out, because the bridge is done. Mr. Bueche responded he will check into it because the bridge has been repaired for awhile. Mayor Pro Tem Abrams commented that he enjoyed Flag Day Ceremony/Parade.

Mayor Krueger commented that Flag Day Ceremony was very nice and he was impressed by the size of the crowd.

Adjournment

Resolution No. 130624-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Gilbert

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:17 p.m.

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

David A. Krueger, Mayor

Deanna Korth, Deputy Clerk