

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 12/8/2014**

The meeting was called to order at 7:00 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, Pinkston, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Deputy Clerk Deanna Korth, DPS Director Tom Svrcek, City Attorney Mike Gildner, City Engineer Lou Fleury, Steve Warren, Chief Clolinger.

Others Present: Sharon Shumaker, Bob Plumb, Jim Florence, Ron Schultz, Craig Culinski, Joe Perreault, Boots Abrams.

APPROVAL OF MINUTES

Resolution No. 141208-01

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, November 24, 2014 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 141208-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of December 8, 2014, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 141208-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of December 8, 2014, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

None.

COUNCIL BUSINESS

Ballot Initiative, Dedicated Street Millage

Resolution No. 141208-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

I Move the City of Swartz Creek direct the staff and city attorney to prepare ballot language for a dedicated street millage, including potential debt incurred to fund street improvements, to be placed before the voters on Tuesday May 5, 2015, and bring such a proposal back to the City Council for review and final decision.

Discussion Took Place.

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

Downtown Development Authority Development Proposal

Resolution No. 141208-05a

(Postponed)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the city acquired vacant land on Morrish Road in 2004, parcel ID 58-35-576-001, and a house located at 4438 Morrish Road in 2007, parcel ID 58-35-

576-002, both for the purpose of either locating a potential senior center or spurring development that would complement downtown.

WHEREAS, the senior center chose not to relocate but add an addition at their current location in 2009.

WHEREAS, the Swartz Creek Downtown Development Authority has invested in market studies, land use analyses, and the demolition of structures pertaining to these sites; and

WHEREAS, the DDA has compiled its research and, with the assistance from a professional in-fill architect, developed conceptual plans to develop the properties; and

WHEREAS, the DDA has requested that the city council support the concept plans and approve further investigations of the development of this land.

WHEREAS, the concept plan is found to meet the intent of the city's master plan and DDA plans; and

WHEREAS, the final decision on any site plan or sale must be made by the city council.

NOW THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby authorizes the DDA to investigate the development potential of the properties owned by the city at the corner of Morrish Road and Fortino Drive, including the hiring of professional designers, engagement of builders, and the application for site plan and related reviews, provided they do so with their own funds and report their findings back to the city council.

Resolution No. 141208-05b

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council postpone a decision on the DDA Development Proposal until 2015.

Discussion took place.

YES: Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger.
NO: Pinkston. Motion Declared Carried.

Morrish Road Sewer Line Agreement

Resolution No. 141208-06

(Carried)

Motion by Councilmember Pinkston
Second by Mayor Pro-Tem Abrams

WHEREAS, the City of Swartz Creek entered into an agreement on March 18, 2005 with the Township of Gaines and the County of Genesee for the purpose of providing sewer transportation services for 51 units of sanitary sewer within the Bear Creek Subdivision on Morrish Road in Gaines Township; and

WHEREAS, the intent of this arrangement was temporary in nature, with the initial expiration being on December 31, 2011 and a subsequent expiration on December 31, 2012; and

WHEREAS, a permanent solution that would remove the township force main from the city system has not been viable; and

WHEREAS, the city, township, and county desire to enter into a legal arrangement that better defines operation, maintenance, access rights, and responsibilities; and

WHEREAS, Genesee County, by its Drain Commission, has offered to designate the city portion of this sewer line as part of the interceptor sewer system and assume operation and maintenance responsibilities; and

WHEREAS, the City will retain capacity rights, as well as the current and future city customers on the sewer line; and

WHEREAS, the City Council finds this to be the most advantageous solution for the welfare of the city.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the transfer of the Morrish Road Sewer in accordance with the sewer transfer agreement, as included and recorded in the December 8, 2014 city council packet, and further directs the Mayor and Clerk to execute said contract.

Discussion Ensued.

YES: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath.

NO: Shumaker. Motion Declared Carried.

Heritage Utility Transfer Agreement

Resolution No. 141208-07a

(Amended)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

WHEREAS, Heritage Village of the City of Swartz Creek Condominium Association (“Heritage”), a site condominium project, was established in 2002 and work on the development of same commenced in 2002; and

WHEREAS, the Master Deed for Heritage was initially recorded with the Genesee County Register of Deeds on October 29, 2002 with instrument number 200210290121507; and

WHEREAS, the Master Deed provided for the establishment of the Association and the Association's Bylaws (the Master Deed, the Association's Bylaws, and their amendments, are collectively referred to herein as the "Condominium Documents"); and

WHEREAS, the Association is the owner of certain roads and sanitary sewer and water lines that run through Heritage; and

WHEREAS, the Association desires to transfer the ownership of said roads, sanitary sewer system and water system ("the Utility Systems") to the City; and

WHEREAS, the City is willing to take over the ownership and operation of the Utility Systems under the terms and conditions set forth in this agreement, the primary reason being the repeated demands for such ownership received from the Michigan Department of Environmental Quality (DEQ).

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby accepts the transfer of the Utility Systems within Heritage Village, and further directs the Mayor and Clerk to execute said agreement, as included and recorded in the December 8, 2014 city council packet.

Discussion Took Place.

Resolution No. 141208-07b

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the word "certain" be removed from the Heritage Utility Transfer Agreement.

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

Resolution No. 141208-07c

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

WHEREAS, Heritage Village of the City of Swartz Creek Condominium Association ("Heritage"), a site condominium project, was established in 1986 and work on the development of same commenced in 2002; and

WHEREAS, the Master Deed for Springbrook was initially recorded with the Genesee County Register of Deeds on October 29, 2002 with instrument number 200210290121507; and

WHEREAS, the Master Deed provided for the establishment of the Association and the Association's Bylaws (the Master Deed, the Association's Bylaws, and their amendments, are collectively referred to herein as the "Condominium Documents"); and

WHEREAS, the Association is the owner of roads and sanitary sewer and water lines that run through Heritage; and

WHEREAS, the Association desires to transfer the ownership of said roads, sanitary sewer system and water system ("the Utility Systems") to the City; and

WHEREAS, the City is willing to take over the ownership and operation of the Utility Systems under the terms and conditions set forth in this agreement, the primary reason being the repeated demands for such ownership received from the Michigan Department of Environmental Quality (DEQ).

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby accepts the transfer of the Utility Systems within Heritage Village, and further directs the Mayor and Clerk to execute said agreement, as included and recorded in the December 8, 2014 city council packet.

Discussion Took Place.

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

Street Dedication, Heritage Boulevard (Heritage Village Homeowners Association)

Resolution No. 141208-08

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and

assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Heritage Boulevard

Beginning at a point on the centerline of Bristol Road; thence N00°29'01"W, 488.28 feet; thence along a curve to the right having a radius of 1167.00 feet, an arc length of 164.30 feet, a delta angle of 08°03'59" and chord bearing and distance of N03°33'00"E, 164.16 feet; thence N07°35'00"E, 130.70 feet; thence along a curve to the right having a radius of 414.00 feet, an arc length of 135.70 feet, a delta angle of 18°46'47" and chord bearing and distance of N16°58'24"E, 135.09 feet; thence N26°21'49"E, 68.80 feet; thence along a curve to the right having a radius of 828.00 feet, an arc length of 323.09 feet, a delta angle of 22°21'25" and chord bearing and distance of N37°32'32"E, 321.04 feet; thence N48°43'14"E, 171.99 feet; thence along a curve to the left having a radius of 894.00 feet, an arc length of 453.15 feet, a delta angle of 29°02'32" and chord bearing and distance of N34°11'58"E, 448.32 feet; thence N19°40'42"E, 153.73 feet; thence along a curve to the left having a radius of 849.75.00 feet, an arc length of 328.02 feet, a delta angle of 22°07'02" and chord bearing and distance of N08°37'11"E, 325.99 feet to the point of terminus of Heritage Boulevard. Total of 2417.75 linear feet.

2. That said street, including 33' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014.

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Canterbury Drive (Heritage Village Homeowners Association)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Canterbury Drive

Beginning at a point on the centerline of Bristol Road; thence N00°29'01"W, 591.24 feet; thence along a curve to the right having a radius of 870.00 feet, an arc length of 366.01 feet, a delta angle of 24°06'16" and chord bearing and distance of N11°34'07"E, 363.32 feet to the point of terminus of Canterbury Drive. Total of 957.25 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Augusta Drive (Heritage Village Homeowners Association)

Resolution No. 141208-10

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Augusta Drive

Beginning at a point on the centerline of Canterbury Drive; thence S89°30'59"W, 574.02 feet; thence along a curve to the left having a radius of 150.00 feet, an arc length of 134.03 feet, a delta angle of 51°11'40" and chord bearing and distance of S63°55'08"W, 129.61 feet; thence along a curve to the right having a radius of 150.00 feet, an arc length of 134.03 feet, a delta angle of 51°11'46" and chord bearing and distance of S63°55'08"W, 129.62 feet; thence S89°30'59"W, 437.25 feet to the point of terminus of Augusta Drive. Total of 1279.33 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Manchester Street (Heritage Village Homeowners Association)

Resolution No. 141208-11

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Manchester Street

Beginning at a point on the centerline of Augusta Drive; thence N01°41'53"W, 148.94 feet to the point of terminus of Manchester Street. Total of 148.94 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Cambridge Street (Heritage Village Homeowners Association)

Resolution No. 141208-12

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Cambridge Street
Beginning at a point on the centerline of Augusta Drive; thence N01°41'53"W, 105.01 feet to the point of terminus of Cambridge Street. Total of 105.01 linear feet.
2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Arlington Drive (Heritage Village Homeowners Association)

Resolution No. 141208-13

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Arlington Drive

Beginning at a point which is S83°32'45"E, 169.47 feet from the centerline of Canterbury Drive; thence N83°32'45"W, 332.09 feet; thence along a curve to the left having a radius of 830.00 feet, an arc length of 89.62 feet, a delta angle of 06°11'11" and chord bearing and distance of N86°38'20"W, 89.57 feet; thence along a curve to the right having a radius of 470.06 feet, an arc length of 82.13 feet, a delta angle of 10°00'38" and chord bearing and distance of N84°43'36"E, 82.02 feet; thence N80°37'53"W, 41.51 feet; thence along a curve to the left having a radius of 800.00 feet, an arc length of 137.35 feet, a delta angle of 09°50'12" and chord bearing and distance of N85°32'59"W, 137.18 feet; thence S89°31'58"W, 198.89 feet to the point of terminus of Arlington Drive. Total of 881.59 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

NO: None. Motion Declared Carried.

Street Dedication, St. Charles Pass (Heritage Village Homeowners Association)

Resolution No. 141208-14

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of St. Charles Pass

Beginning at a point which is N41°11'39"W, 379.65 feet from the centerline of Heritage Boulevard; thence S41°11'39"E, 553.41 feet; thence along a curve to the left having a radius of 514.00 feet, an arc length of 286.67 feet, a delta angle of 31°57'20" and chord bearing and distance of S57°10'20"E, 282.97 feet; thence S73°09'00"E, 129.94 feet to the point of terminus of St. Charles Pass. Total of 970.02 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Mansfield Drive (Heritage Village Homeowners Association)

Resolution No. 141208-15

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the

Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Mansfield Drive

Beginning at a point which on the centerline of Heritage Boulevard; thence S53°15'31"E, 106.18 feet; thence along a curve to the left having a radius of 413.00 feet, an arc length of 123.60 feet, a delta angle of 17°08'47" and chord bearing and distance of S61°49'54"E, 123.13 feet; thence S70°24'18"E, 126.33 feet to the point of terminus of Mansfield Drive. Total of 356.11 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Concord Drive (Heritage Village Homeowners Association)

Resolution No. 141208-16

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Concord Drive

Beginning at a point which on the centerline of Heritage Boulevard; thence N52°05'58"W, 54.07 feet; thence along a curve to the left having a radius of 113.00 feet, an arc length of 43.83 feet, a delta angle of 22°13'26" and chord bearing and distance of N63°12'41"W, 43.56 feet; thence N74°19'24"W, 366.19 feet; thence along a curve to the right having a radius of 53.00 feet, an arc length of 83.25 feet, a delta angle of 90°00'00" and chord bearing and distance of N29°19'24"W, 74.95 feet; thence N15°40'36"E, 124.50 feet to the point of terminus of Concord Drive. Total of 671.84 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014.

Resolution duly adopted on December 8, 2014.

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

NO: None. Motion Declared Carried.

Street Dedication, Wedgewood Drive (Heritage Village Homeowners Association)

Resolution No. 141208-17

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Wedgewood Drive

Beginning at a point on the centerline of Heritage Boulevard; thence N74°19'24"W, 156.57 feet to the point of terminus of Wedgewood Drive. Total of 156.57 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

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

Street Dedication, Bainbridge Drive (Heritage Village Homeowners Association)

Resolution No. 141208-18

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

At a regular meeting of the City Council of Swartz Creek Michigan, held at the City Hall on Monday, December 8, 2014 7:00 PM, the following resolutions were offered by Mayor Pro-Tem Abrams, and supported by Councilmember Shumaker.

WHEREAS, the City and the Heritage Village Condominium Association, by and through its Board of Directors, have agreed to transfer certain streets within the Association to the City, along with water-mains, sanitary sewer-mains and storm sewer-mains located within adjacent right of way property running alongside the streets, the transfer being in accordance with site plan approvals on file with the City; and

WHEREAS, the Attorney representing the Heritage Village Condominium Association has reviewed documentation for the Association and has determined that the Association, through its Board of Directors, has the authority to convey and assign real and personal property on behalf of its membership and has certified such in a correspondence to the City; and

WHEREAS, on August 19, 2014, the Heritage Village Condominium Association's Board of Directors adopted a resolution conveying the streets along with right of way containing water-mains, sanitary sewer-mains and storm sewer-mains to the City, a copy of which is attached hereto.

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Description of Bainbridge Drive

Beginning at a point on the centerline of Heritage Boulevard; thence N88°49'50"E, 56.73 feet; thence along a curve to the right having a radius of 215.00 feet, an arc length of 74.13 feet, a delta angle of 19°45'16" and chord bearing and distance of S80°16'56"E, 73.76 feet; thence S70°24'18"E, 105.77 feet to the point of terminus of Bainbridge Drive. Total of 236.63 linear feet.

2. That said street, including 30' from the defined center line, is located within a City right-of-way and is under the control of the City of Swartz Creek.

3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on December 8, 2014

Resolution duly adopted on December 8, 2014.

Discussion Ensued.

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

OHM Miller Road Construction Engineering

Resolution No. 141208-19

(Carried)

Motion by Councilmember Shumaker
 Second by Mayor Pro-Tem Abrams

WHEREAS, the city submitted resurfacing projects for Miller Road, including a segment from Morrish to Elms and a segment from Tallmadge to Dye, to the Genesee County Metropolitan Planning Commission for approval in the Traffic Improvement Program; and

WHEREAS, the projects were approved for construction during the 2015 season, with allocations of funds and cost sharing as outlined herein; and

Morrish to Elms			
	Federal Funds	Local Match	Total Cost
Preliminary Engineering	\$71,553.00	\$17,888.00	\$89,441.00
Construction Engineering			\$0.00
Construction	\$814,272.00	\$203,568.00	\$1,017,840.00
Total Project Cost	\$885,825.00	\$221,456.00	\$1,107,281.00
Tallmadge to Dye			
	Federal Funds	Local Match	Total Cost
Preliminary Engineering	\$71,865.00	\$17,966.00	\$89,831.00
Construction Engineering			\$0.00
Construction	\$817,825.00	\$204,456.00	\$1,022,281.00
Total Project Cost	\$889,690.00	\$222,422.00	\$1,112,112.00

*Construction engineering costs are included in the 'construction' line item

WHEREAS, the city selected a professional engineer, OHM Advisors, to perform preliminary engineering design work for these segments; and

WHEREAS, the city needs to select a professional engineer to perform construction engineering work for these segments; and

WHEREAS, the city can choose from its list of pre-qualified companies, excluding Rowe Professional Services Company due to current mandates; and

WHEREAS, OHM Advisors is one such firm that the city has been working with to provide this service and has received a not-to-exceed cost estimate for both segments; and

WHEREAS, the city has approval from the MDOT to perform construction engineering with allocations in the amount of \$133,724 for the section between Tallmadge Court and Dye Road and \$133,143.45 for the section between Morrish and Elms Road.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek approve the construction engineering proposals by OHM Advisors for amounts not to exceed \$120,393 for Miller Road between Tallmadge Court and Dye Road and \$117,768 for Miller Road from Morrish to Elms Road.

BE IT FURTHER RESOLVED, that the City Council directs the Mayor and staff to prepare and execute third party MDOT contracts as needed and included in this packet to perform construction engineering work, and that the budget be amended to reflect contributions and revenues as reflected above within the major street fund.

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

NO: None. Motion Declared Carried.

Miller Road Lot Sale

Resolution No. 141208-20

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek owns a certain piece of real property on Miller Road, identified as parcel 58-36-578-018, an out lot, and;

WHEREAS, the city received an unsolicited offer to purchase this property from an adjacent landowner, and;

WHEREAS, the city council and staff, finding this property to be of marginal value to the city and no value to non-adjacent land owners, permitted the formal solicitation of offers from both neighbors with Miller Road frontage, and;

WHEREAS, one offer was received by the stated deadline from an adjacent land owner in the amount of \$1,000, and;

WHEREAS, under the city's land sale policy, the city council finds the sale process and consideration to be in the best interest of the public, and;

WHEREAS, the city council approved the sale of this parcel on October 27, 2014 with the exception of a public easement, to Justin Ellison, for the consideration of

\$1,000 in accordance with the quit claim deed attached, subject to combination of this parcel to the adjacent parcel of the buyer, and;

WHEREAS, the sale instrument was made available for public inspection for a period of not less than 30 days in accordance with the city charter.

THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby approves the final sale of this parcel and directs the Mayor to execute the quit claim deed instrument as included in the city council packet.

Discussion Took Place.

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

Police Department Annual Bicycle Give Away Program

Resolution No. 141208-21

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the Swartz Creek Police Department conducts an annual Bicycle Give Away Program wherein school district administrator's recommend youngsters in need as recipients of bicycles being held by the police department; and

WHEREAS, bicycles held by the police department this year have come from a variety of sources, including generous donations from Meijer and Assenmacher's Cycling Center; and

WHEREAS, seventeen such bicycles are new, having been donated by Meijer, but the remainder are used and Assenmacher's Cycling Center has donated its services to repair and refurbish the remainder into like new condition; and

WHEREAS, a comprehensive list is not available until such a time that Assenmacher's has completed its work.

NOW, THEREFORE, I Move that the City of Swartz Creek approve the 2014 Annual Police Department Bicycle Give Away Program, and authorize the giveaway of approximately 35 bicycles, with a comprehensive list to be established and upon completion, be brought back to the council for record.

BE IT FURTHER RESOLVED, that the city extend its greatest appreciation to all those who participated in this year's Bicycle Give Away Program and Shop With A Hero program, including, but not limited to Assenmacher's Cycling Center, Meijer, Little Caesar's, and Hungry Howie's.

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

MEETING OPEN TO PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston asked City Manager Zettel about contact information for the schools in reference to students helping with snow removal.

Councilmember Gilbert stated that a resident asked him why the snow was not removed in the middle of Miller Road after the last snow storm. He was advised that it was taken care of the next day. Mr. Gilbert asked if businesses pay a garbage fee. Mr. Gilbert asked if businesses can have recycle bins. He was advised that they can.

Councilmember Hicks asked who helped set the luminaries for the Fire Department parade candle walk. Ms. Hicks wanted to thank everyone who helped out.

Councilmember Shumaker spoke about a report on the news about the City of Bay City and their issues with meter reads. Mr. Shumaker asked if Swartz Creek has the same brand of reading devices that Bay City does. Mr. Shumaker asked about a water main replacement on Don Shenk Drive several years ago, wondering if the valves that were replaced were the valves according to the county's specifications.

Councilmember Porath stated that Meijer has been contributing to a lot of things in the city. Mr. Porath asked if the council was supposed to get a monthly report from Chief Clolinger on the progress of the possible shared services with Mundy Township. Chief Clolinger stated that the information is passed onto City Manager Zettel. Mr. Porath asked for a recap on the Miller Road Construction Project. Mr. Porath asked if the website had current information on it.

Mayor Pro-Tem Abrams asked to speak to City Manager Zettel about a CDBG memo.

Mayor Krueger reminded everyone that the second meeting for December would be December 15, 2014.

Adjournment

Resolution No. 141208-22

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:59 p.m.

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

David A. Krueger, Mayor

Deanna Korth, Deputy City Clerk