

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE SPECIAL COUNCIL MEETING  
DATE 6/23/2014**

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, Porath, Shumaker.

Councilmembers Absent: Hurt.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, City Attorney Mike Gildner, Police Chief Rick Clolinger.

Others Present: Boots Abrams, Bob Plumb, Tommy Butler, Jim Florence, Ron Schultz, Sharon Shumaker, Lou Fleury, Peggy Mattson, Richard Mattson, Dennis Novak, Jim O'Brien, Charlie Evans, Linda Evans, Donald Wyatt, Bill Hichcock, John Stadel, Dean Ferris, Ted Barbier, Jim Bryant, Sue Bryant, Anna West, Ernest Roesner, Jaqlyn Roesner, Jerry Caton, Geralyn Sprowl, David Hagstrom, Andy Palovich, Diane Adams, Elaine Tucker, Sandy Raffaelli, David Johnson, Judy Johnson, Linda Caton, Carmeletta Strauss, Dan Howey, Daniel Quigley, Brigitte Woodbury, Joel McRee.

**APPROVAL OF MINUTES**

**Resolution No. 140623-01**

**(Carried)**

Motion Councilmember Porath  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday, June 9, 2014 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 140623-02**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as amended, for the Regular Council Meeting of June 23, 2014, to be circulated and placed on file.

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

## **REPORTS AND COMMUNICATIONS:**

### **City Manager's Report**

**Resolution No. 140623-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the City Manager's Report of June 23, 2014, to be circulated and placed on file.

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

Discussion Ensued.

## **MEETING OPENED TO THE PUBLIC**

None.

## **COUNCIL BUSINESS**

### **Police Vehicle Purchase**

**Resolution No. 140623-04**

Motion by Councilmember Hicks  
Second by Councilmember Shumaker

**WHEREAS**, the City of Swartz Creek Purchasing Ordinance encourages the use of cooperative extended purchasing programs, and;

**WHEREAS**, the City of Swartz Creek desires to purchase one 2014 Dodge Charger police package vehicle and by virtue of the size of the city, we cannot purchase such vehicles in a sufficient quantity to allow for a maximum discounted price, and;

**WHEREAS**, the County of Macomb has an extended cooperative purchasing program that is open for use by any governmental agency and has let for bid the specified vehicle, said bid awarded to Sterling Heights Dodge, 40111 Van Dyke, Sterling Heights Michigan, base price of \$21,311.00, and;

**WHEREAS**, with options, the total cost of the vehicle is \$21,564.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Swartz Creek recognize Macomb County's Extended Purchasing Program and accept the bid award to Sterling Heights Dodge, 40111 Van Dyke, Sterling Heights Michigan, and further, appropriate an amount not to exceed \$21,564 for the purchase of a 2014 Dodge Charger Police Package Vehicle, funds to be appropriated from 661 Motor Pool.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **Liability Insurance Payment**

**Resolution No. 140623-05**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Hicks

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$63,832 to Michigan Municipal League Meadow Brook Insurance, payment of the City's annual 2014-2015 premiums for property and liability insurance, funds to be apportioned to reflect departmental coverage as noted in the invoice.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **CDBG Addendum**

**Resolution No. 140623-06**

**(Carried)**

Motion by Councilmember Porath

Second by Mayor Pro-Tem Abrams

**I Move** the City of Swartz Creek approve the addendum to the Community Development Block Grant Co-operative Agreement of June 28, 1993 and direct the city manager to execute said addendum.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

## **Street Repairs**

**(Hearing)**

City Manager Zettel and City Engineer Lou Fleury gave brief presentations on studies that were done on the City's street system and condition of the streets.

Public Hearing Open.

Dave Johnson, 5073 Winston, asked if the state implements the proposed 15 cent gas tax increase, how much of that revenue would the city get. Mr. Zettel stated that he does not know how much at this time.

Roberta Diaz-Cobb, 5379 Seymour Rd, stated that she feels it is unfair to make the residents of Winchester Village pay for the street repairs by themselves. Ms. Diaz-Cobb stated that she feels it should be city-wide. Ms. Diaz-Cobb stated that people should vote on the issue.

Dan Howey, 9117 Chelmsford, stated that there are several streets in the city that need reconstruction. Mr. Howey stated that he feels that mill and resurface is not enough. Mr. Howey stated that he doesn't understand how the city is not prepared financially for the repairs that are needed. Councilmember Porath stated that the city has tried on at least two occasions and the residents have voted it down. Mr. Howey stated that a master street plan is needed.

Linda Caton, 8462 Chesterfield, stated that her street is horrible. Ms. Caton stated that the streets in Winchester Village are for everyone, leading to the high school, middle school, etc. Ms. Caton stated that it should be a city-wide assessment.

Mr. Zettel asked how important sidewalks and driveway approaches are to residents.

Donald Wyatt, 5326 Durwood, asked what the unit op for the city was. Mr. Wyatt stated that the council does an excellent job for the city, especially given that there are only 4.9 miles to work with.

Boots Abrams, 5352 Greenleaf, stated that she has lived in Winchester Village for 53 years. Ms. Abrams stated that the roads were built before Swartz Creek was a city and how those roads were built has nothing to do with the city.

Joel McRee, 5063 Brady, stated that he thinks it should be a city wide assessment. Mr. McRee stated that we have the opportunity now to fix the streets right.

Sandy Raffaelli, 8098 Miller, stated that she is one of the lucky people that has good roads all of the time. Ms. Raffaelli stated that she drives in Winchester Village often and has seen many water lines broken. Ms. Raffaelli stated that she also believes it should be a city wide assessment.

Jim Bryant, 5347 Durwood, asked if a vote had to be put out to the whole city for a levy. Mr. Bryant suggested that the city come up with a plan that the people will vote for.

Judy Johnson, 5073 Winston, asked how rental units pay taxes and if they also get to vote for or against a levy. Ms. Johnson stated that the lower tax rate is the reason she moved here and that she appreciates how the city takes care of the roads, especially in the winter.

Roberta Diaz-Cobb stated that she would like to see more people at the meeting. Ms. Diaz-Cobb stated that she would like to see the city come up with a way to put more information out to the residents.

Ernie Roesner, 5113 Seymour, stated that he does not know of another subdivision that gets as much use from people outside the Village as Winchester Village does. Mr. Roesner stated that he believes the city will never get anything passed to improve the Village by people who do not live there, due to this country being a selfish and self-centered society. Mr. Roesner stated that he has lived in Swartz Creek for 38 years and believes that the past government relied too much on General Motors. Mr. Roesner stated that if the roads are rebuilt, the curbs and driveway approaches will have to be rebuilt as well. Mr. Roesner stated that he believes there needs to be a huge publicity campaign to get homeowners to the meetings. Mr. Roesner stated that he thinks the Public Works department is outstanding. Mr. Roesner stressed that he trusts his elected representatives to generate input from the public, weigh it and make a decision on which way is the best way to go on the road issue.

Jim Bryant wanted to clarify that the residents of Swartz Creek Estates do pay taxes.

Tommy Butler, 40 Somerset, stated that the residents of Swartz Creek Estates pay taxes just like everyone else.

City Manager Zettel stated that the mobile home park is private and that they do pay taxes on their additional structures such as sheds and decks and that the owner of the park pays a certain amount per unit.

Councilmember Shumaker spoke about street programs that were done in 1974 and 1975. Mr. Shumaker stated that they were voted on three times and failed the first two times. Mr. Shumaker stated that they reason they passed the third time is that there was a group of ladies who all lived in the old part of town and were concerned enough that they went door to door and spoke to residents. Mr. Shumaker stated that he would like to see all of the people in the city support this.

Mayor Krueger encouraged everyone present to talk to each other and set up a committee to help promote information getting out to all residents of the city.

Tommy Butler, 40 Somerset, stated that he hears it all the time from other residents in the city that people who live in the modular home parks don't pay taxes. Mr. Butler stated that he pays taxes twice a year. Mr. Butler stated that the city does not maintain their streets or pick up their garbage, although they pay for garbage on their taxes. Mr. Butler stated that he feels the residents in the park are entitled to vote.

Dan Howey stated that he was frustrated earlier when he spoke and that he does not blame the current council for the problems with the roads in the city. Mr. Howey stated

that everyone needs to be convinced that this is everyone's problem in the city. Mr. Howey gave alternate ideas for construction of the roads.

Dennis Novak, 5282 Greenleaf, asked what the city's next step might be. Mayor Krueger asked for suggestions.

Councilmember Porath apologized for his earlier outburst. Mr. Porath stated that he does not apologize for what he said, just how he said it. Mr. Porath stated that everyone needs to work together to move forward. Mr. Porath stated that the city needs help from the residents to get the information out.

Joel McRee emphasized that everyone needs to attend the meetings and that communication is important.

Attorney Gildner clarified how and when information could be given out.

Rick Clolinger, 7232 Parkridge, stated that he has lived in the community for 36 years and has been employed here for 36 years. Mr. Clolinger stated that the streets in Parkridge are cracked and deteriorating. Mr. Clolinger stated that he would support a city wide plan to get road repairs moving.

**Resolution No. 140623-07**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Porath

**I Move** the City of Swartz Creek compile a study for a 20 year plan for the cost of fixing the streets.

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

Public Hearing Closed.

5 Minute Break

**Capital Asset Policy**

**Resolution No. 140623-08**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve and place on file the capital asset policy as attached, said policy to apply to all future assets of the city as defined.

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

## Year End Fiscal Adjustments

**Resolution No. 140623-09**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**WHEREAS**, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

**WHEREAS**, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

**WHEREAS**, the City Council has reviewed the City's 2013 - 2014 Fiscal Year Budget and comparative year-to-date balance sheet of expenses and revenues, and finds that it is not in deficit; however, certain department activity line items may be in deficit.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby authorizes and directs the City Manager to make all necessary year-end budget adjustment amendments.

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

## Commission Appointments

**Resolution No. 140623-10**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro-Tem Abrams

**I Move** the Swartz Creek City Council, affirm the nominations of the Mayor and appoint Mr. Craig Culinski to the Swartz Creek Planning Commission and Mr. Doug Sherman to the Swartz Creek DDA and Mr. Adam Zettel to the 911 Consortium for the duration of existing vacant terms ending on November 10, 2014.

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

## **MEETING OPEN TO PUBLIC:**

Jim Florence, 4296 Springbrook, asked what it would take to increase the mills for Swartz Creek.

Joel McRee, 5063 Brady, concurred with Mr. Florence on increasing the mills to help the city. Mr. McRee stated that the need is there and it should be done.

**Closed Session to Deliberate on Michigan Tax Tribunal Litigation (Roll Call Vote)**

**Resolution No. 140623-11**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**I MOVE** the City of Swartz Creek City Council exit the regular session of the city council and enter into a closed session for the purpose of discussing pending litigation.

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

Return to regular session.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath asked about the EVIP and if there was any indication of what would replace it. Mr. Porath spoke about the public showing up believing that a special assessment was going to be done. Mr. Porath questioned the possibility of re-opening the charter or part of it.

Councilmember Shumaker spoke about his trip to Manistique.

Councilmember Hicks stated that it was an interesting meeting and it was good seeing people here. Ms. Hicks stated that she hopes there are more meetings like this.

Councilmember Gilbert stated that he also felt it was nice to have so many people at the meeting and to get their input. Mr. Gilbert asked about cars parking over the sidewalk. Mr. Gilbert stated that it is a problem for him on his daily walks.

Mayor Pro-Tem Abrams stated that to reduce confusion, the non-agenda items should be labeled on the Agenda.

Mayor Krueger stated that he appreciates the good discussion the council had with the residents.

**Adjournment**

**Resolution No. 140623-12**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro-Tem Abrams

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:43 p.m.

YES: Unanimous Voice Vote.

NO: None. Motion Declared Carried.

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**David A. Krueger, Mayor**

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**Juanita Aguilar, City Clerk**