

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE SPECIAL COUNCIL MEETING  
DATE 6/9/2014**

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, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

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

Others Present: Boots Abrams, Bob Plumb, Tommy Butler, Steve Warren, Jim Florence, Ron Schultz.

**APPROVAL OF MINUTES**

**Resolution No. 140609-01**

**(Carried)**

Motion Councilmember Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Tuesday, May 27, 2014 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 140609-02**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda as amended, for the Regular Council Meeting of June 9, 2014, to be circulated and placed on file.

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

## REPORTS AND COMMUNICATIONS:

### City Manager's Report

#### Resolution No. 140609-03

(Carried)

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of June 9, 2014, to be circulated and placed on file.

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

Discussion Ensued.

### MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, spoke about a previous discussion about blocking the streets for the homecoming parade. Mr. Butler talked about the problems with traffic on the previous Saturday due to the Hazardous Waste drop off at the High School.

### COUNCIL BUSINESS

#### Delegation of Election Commission Duties to the Clerk's Office

#### Resolution No. 140609-04a

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**WHEREAS**, Michigan Election Law allows the Board of Election Commissioners of a City to delegate certain duties to the local clerk or authorized assistant.

**NOW THEREFORE BE IT RESOLVED**, the City of Swartz Creek hereby delegates the following duties to the City of Swartz Creek Clerk and other administrative staff under her supervision:

- 1) Preparing meeting materials for the Election Commission (ballot proof for approval, list of election inspectors for appointments, etc.)
- 2) Preparing, printing and delivering ballots
- 3) Providing candidates and the Secretary of State with proof copies of ballots.
- 4) Providing notice to voters in the case of precinct changes/consolidations

- 5) Providing election supplies and ballot containers
- 6) Preliminary logic and accuracy testing
- 7) Notifying major political parties of certified precinct inspector appointment (federal and state elections only)

**BE IT FURTHER RESOLVED**, the City Election Commission hereby delegates the miscellaneous duties to the City Clerk or authorized assistant reserving the right to return the duties back to the Commission whenever deemed fit.

**Resolution No. 140609-04b**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**I Move** to change the wording from “the City Election Commission” to “the City Council” hereby delegates the miscellaneous duties to the City Clerk or authorized assistant.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**Resolution No. 140609-04c**

**(Amended)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**WHEREAS**, Michigan Election Law allows the Board of Election Commissioners of a City to delegate certain duties to the local clerk or authorized assistant.

**NOW THEREFORE BE IT RESOLVED**, the City of Swartz Creek hereby delegates the following duties to the City of Swartz Creek Clerk and other administrative staff under her supervision:

- 1) Preparing meeting materials for the Election Commission (ballot proof for approval, list of election inspectors for appointments, etc.)
- 2) Preparing, printing and delivering ballots
- 3) Providing candidates and the Secretary of State with proof copies of ballots.
- 4) Providing notice to voters in the case of precinct changes/consolidations
- 5) Providing election supplies and ballot containers

- 6) Preliminary logic and accuracy testing
- 7) Notifying major political parties of certified precinct inspector appointment (federal and state elections only)

**BE IT FURTHER RESOLVED**, the City Council hereby delegates the miscellaneous duties to the City Clerk or authorized assistant reserving the right to return the duties back to the Commission whenever deemed fit.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

### **Burn Permit**

**Resolution No. 140609-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City of Swartz Creek city council may authorize open burning per ordinance section 8-1 if it finds that such burning will provide for the general welfare of the community, and

**WHEREAS**, a burning permit is sought by the resident at 7297 Bristol Road; and

**WHEREAS**, the city finds that the circumstances of this request, being a substantial amount of brush on a large and open lot, enable burning as a potentially preferred solution over curbside chipping.

**NOW, THEREFORE, BE IT RESOLVED** that the Swartz Creek City Council approve a single occurrence permit for open burning conditioned upon and in conformance with the standard burning requirements of the fire department.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **Fire Apparatus Purchase Adjustment**

**Resolution No. 140609-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Gilbert

**WHEREAS**, the city council, on May 27, 2014 moved to acquire a Pierce PUC pumper on a Pierce Mfg. Saber custom cab, priced at \$470,176.00; and

**WHEREAS**, the City of Swartz Creek approved its portion of the payment in the amount of \$170,284 towards the purchase of a Pierce PUC pumper with the understanding that a portion of this cost would be borrowed from Fund 591, Sewer, and repaid over a period of three years; and

**WHEREAS**, the fund allocation and annual interest payments were not properly noted for each repayment year in the resolution.

**NOW, THEREFORE, I Move**, the payment for the apparatus shall be made in accordance with the following schedule:

Fund 402: \$81,750

Fund 591: \$88,534; 0.40% loan; annual payments to Fund 591 from Fund 402 with funding from the General Fund 101, with annual installments of:

- A. \$29,865.47 in year one
- B. \$29,747.42 in year two
- C. \$29,629.39 in year three

Discussion Took Place.

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

NO: None. Motion Declared Carried.

### **Miller Road Design**

**(Discussion)**

City Manager Zettel spoke about the upcoming decision to possibly change the lane configuration on Miller Road when the road repairs are done next year. Mr. Zettel introduced Steve Warren from OHM to give more details to the council on the engineering side of it. Councilmembers agreed a study is needed.

### **Underbody Scraper Purchase**

**Resolution No. 140609-07**

**(Carried)**

Motion by Mayor Pro Tem Abrams

Second by Councilmember Hurt

**I Move** the City of Swartz Creek approve the low bid submitted by Shults Equipment, Inc. in the amount of \$10,326 for an underbody scraper and direct the finance director to complete this purchase in the 2013-2014 fiscal year, charges to be applied to the Motor Pool Fund 661-795.000-976.000.

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

NO: None. Motion Declared Carried.

## Local Street Repairs

(Discussion)

City Manager Adam Zettel stated that there is lots of information included in the packet on local street repair. He is looking for council feedback on these options, special assessment, city-wide levy or combination of levy and assessment. Councilmembers agree with City Manager that we need to get the public's input at meetings on what we need to do with the streets.

## Senior Center Delinquent Tax Payment

**Resolution No. 140609-08**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek approve distribution of \$13.95 to the Swartz Creek Senior Center, funds being delinquent and collected pursuant to the City's Senior Citizens Levy which was terminated in 2006 (circa).

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

## 2013-2014 Fiscal Year Adjustments

**Resolution No. 140609-09**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**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 to Fund 101 (General), 202 (Major Streets), 350 (City Hall Debt), 591 (Sewer), 865 (Sidewalk), and 866 (Weed) in accordance with the budget draft attached.

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

**Set 2014-2015 Council Meeting Schedule**

**Resolution No. 140609-10**

Motion by Councilmember Gilbert  
Second by Councilmember Hurt

**WHEREAS**, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

**WHEREAS**, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek.

**NOW, THEREFORE**, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2014-2015 shall be held twice each month, and further, that all meetings shall be held in the City Hall Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2014:	Monday – 14 <sup>th</sup> Monday – 28 <sup>th</sup>	
August 2014:	Monday – 11 <sup>th</sup> Monday – 25 <sup>th</sup>	
September 2014:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>	
October 2014:	Monday – 13 <sup>th</sup> Monday – 27 <sup>th</sup>	(Columbus Day)
November 2014:	Monday – 10 <sup>th</sup> Monday – 24 <sup>th</sup>	
December 2014:	Monday – 8 <sup>th</sup> Monday – 15 <sup>th</sup>	(One Week Earlier)
January 2015:	Monday – 12 <sup>th</sup> Monday – 26 <sup>th</sup>	
February 2015:	Monday – 9 <sup>th</sup> Monday – 23 <sup>rd</sup>	
March 2015:	Monday – 9 <sup>th</sup> Monday – 23 <sup>rd</sup>	

April 2015:	Monday – 13 <sup>th</sup> Monday – 27 <sup>th</sup>
May 2015:	Monday – 11 <sup>th</sup> Tuesday - 26 <sup>th</sup> (Monday 25 <sup>th</sup> is Memorial Day)
June 2015:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>

**BE IT FURTHER RESOLVED** that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meeting will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

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

**MEETING OPEN TO PUBLIC:**

Boots Abrams, 5352 Greenleaf Drive, informed the council that the Women’s Club planted the flowers in town and they turned out really nice.

Tommy Butler, 40 Somerset, inquired with the council who does the property assessing of city properties. City Manager Adam Zettel responded that we have a contract with Landmark who does all our property assessing. Mr. Butler also commented about a comment in The View about Meijer versus General Motors property assessment.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Hurt commented about the lights at Miller/Bristol.

Councilmember Gilbert wanted to know if the City has been mowing any of the lawns in the city. City Manager Adam Zettel responded that we are mowing some of them. Mr. Gilbert commented about a tall lawn on Miller Rd.

City Manager Adam Zettel wanted to let the council know that the steel for the repair on one of the pavilions at Winshall Park may have a six week wait time.

Councilmember Hicks commented about the back up of traffic at the Hazardous Waste Drop off and the protection of sewer/waste lines from possible spill.

Councilmember Shumaker also commented about the traffic at the Waste Program but feels it’s a good program.

Councilmember Porath asked if we would update the city precinct maps before the next election. Mr. Porath reminded everyone about the concert series starting next Tuesday.

Mayor Pro-Tem Abrams talked about D Day and wanted to thank the Veterans.

Mayor Krueger spoke about the Waste Program and that he thinks they need to have the drop off more often and at more locations. Mr. Krueger commented about the mosquitoes.

### **Adjournment**

**Resolution No. 140609-11**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Porath

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:04 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**