

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 7/28/2014**

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.

Others Present: Boots Abrams, Bob Plumb, Jim Florence, Ron Schultz, Sharon Shumaker, Dennis Gould, Carol Gould, Tommy Butler, Bob Higdon, Glennie Higdon, Evelyn Deneen, Dick Deneen, John Mullen, Patricia Mullen, Rick Ballreich, Denny Pinkston, Craig Culinski.

APPROVAL OF MINUTES

Resolution No. 140728-01

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Abrams

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, July 14, 2014 to be circulated and placed on file.

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

Resolution No. 140728-02

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Special Council Meeting, held Monday, July 21, 2014 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 140728-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of July 28, 2014, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 140728-04

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council accept the City Manager's Report of July 28, 2014, to be circulated and placed on file.

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

Discussion Ensued.

MEETING OPENED TO THE PUBLIC

Ned Gould, 7237 Maplecrest, vice-president of the condominium association, stated that the citizens are concerned about what is going to happen with the lots in Springbrook.

COUNCIL BUSINESS

Appraisal Appropriation: Golf Course

Resolution No. 140728-05

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the City of Swartz Creek amend the budget to allocate \$10,000 of general fund balance to the assessing department for the purpose of contesting the tax appeal by Stanley Frankel, for real property located at 5397 & 5499 Miller Road, costs to include an appraisal, legal services, and other related expenses.

Discussion Ensued.

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

Appraisal Appropriation: Raceway

Resolution No. 140728-06

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Abrams

I Move the City of Swartz Creek amend the budget to allocate \$12,000 of general fund balance to the assessing department for the purpose of contesting the tax appeal by Sports Creek ACQ Inc, for real property located at 4290 Morrish Road, costs to include an appraisal, legal services, and other related expenses.

Discussion Took Place.

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

Springbrook East Proposal Approval

Resolution No. 140728-07

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Abrams

WHEREAS, the city acquired a total of 12 vacant units from street paving special assessment projects in Springbrook East in December, 2011, including the following units:

Springbrook East Units			
Parcel Number	Number	Property Address	Owner
58-36-676-039	0	LINDSEY DR	City Swartz Creek
58-36-676-040	0	LINDSEY DR	City Swartz Creek
58-36-676-041	0	LINDSEY DR	City Swartz Creek
58-36-676-042	0	LINDSEY DR	City Swartz Creek
58-36-676-043	0	LINDSEY DR	City Swartz Creek
58-36-676-044	0	LINDSEY DR	City Swartz Creek
58-36-676-051	0	LINDSEY DR	City Swartz Creek
58-36-676-053	0	LINDSEY DR	City Swartz Creek
58-36-676-054	0	LINDSEY DR	City Swartz Creek
58-36-676-055	0	LINDSEY DR	City Swartz Creek
58-36-676-056	0	LINDSEY DR	City Swartz Creek
58-36-676-064	0	RUSSELL DR	City Swartz Creek

WHEREAS, the city has determined that a public purpose exists for obtaining the lots, being control and guarantee for the collection of the special assessment fees, the preservation of property values for the existing homes in the subdivisions and the resolve of underground utility and storm-surface water issues; and

WHEREAS, the city previously found that the long term intent is to sell the lots to recover assessment costs and other administrative costs that may occur and to preserve property values consistent with the findings within this resolution; and

WHEREAS, the city issued a request for proposals to develop these units and has subsequently had the proposals reviewed by a committee; and

WHEREAS, the committee established by council recommends sale of the units to Woodside Builders, with certain conditions; and

WHEREAS, this recommendation has been affirmed by members of the Springbrook East home owners' association board.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale of all twelve units in Springbrook East to Woodside Builders, Inc. in accordance with the purchase agreements and quit claim deeds attached.

BE IT FURTHER RESOLVED, that the council directs staff to make said sale instruments available for public inspection and comment for no less than 30 days, in accordance with city charter, at which point the sales shall be affirmed by a final vote of the city council.

BE IT FURTHER RESOLVED, that the city council authorizes the establishment of an escrow account, to be funded by the buyer in the amount of \$3,500 per unit sale, for the purpose of completing the unfinished Phase One infrastructure improvements, including the capping of the streets, and hereby authorizes Woodside to engage a contractor to complete said improvements under the supervision and approval of the city's engineer.

Discussion Took Place. Public comments were allowed by council.

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

NO: None. Motion Declared Carried.

MEETING OPEN TO THE PUBLIC:

Tommy Butler, 40 Somerset, asked what happened to Biggby Coffee opening up at Miller and Elms. He was advised that a partial site plan has been submitted and that there may be something on the Planning Commission agenda soon.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath stated that the minimum that was demanded for the corner of Elms and Miller is that the new owners clean it up and make it green, which they did.

Councilmember Shumaker stated that he appreciates the thorough report that was in the packet from the building inspector. Mr. Shumaker spoke about an address on Miller Road that sells wood, stating that he feels that it is getting too big for the lot. Mr. Shumaker stated that he appreciated serving on the committee that went over the bid documents for the Springbrook lots sales.

Councilmember Gilbert stated that the new sidewalk looks good. Mr. Gilbert asked if they ever decided to make Fortino Drive so that it is not so close to the cemetery, which way would it go? He was advised that it would be adjusted to the north.

Councilmember Hurt asked when the old party store at Elms and Miller would be torn down. He was advised that the final construction site drawings for O'Reilley's just came in last week so the process is going forward.

Mayor Pro-Tem Abrams spoke about the Michigan Tax Tribunal stating that they are biased against the municipalities. Mr. Abrams spoke about the coffee shop at Miller and Elms, stating that the biggest problem is that it doesn't have an egress.

Mayor Krueger asked when the pavilion in Winshall Park was going to be fixed. He was advised that they are waiting on the corrugated steel.

Councilmember Porath spoke about Proposal One. City Manager Zettel explained what he understood from the research that he did on it.

City Clerk Juanita Aguilar gave information for the next election on August 5, 2014.

Adjournment

Resolution No. 140728-08

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:16 p.m.

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

David A. Krueger, Mayor

Juanita Aguilar, City Clerk