

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 12/14/2015**

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.

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar, Deputy Chief Rick Clolinger, Lieutenant Matt Bade, Officer Nicholas Paul, Chief Dan Atkinson, Officer Terry VanKeuren, Director of Public Service Tom Svrcek.

Others Present: Bob Plumb, Tommy Butler, Ron Schultz, Jim Barclay, Steve Shumaker, Sharon Shumaker, Jim Florence, Lou Fleury, Jeff Pinkston, Kathy Rainwater, Dave Alexander.

**APPROVAL OF MINUTES**

**Resolution No. 151214-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council hereby approve the amended Minutes of the Regular Council Meeting held Monday, December 7, 2015 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. 151214-02**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as presented and printed for the Regular Council Meeting of December 14, 2015, to be circulated and placed on file.

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

**City Manager's Report**

**Resolution No. 151214-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Porath

**I Move** the Swartz Creek City Council accept the City Manager's Report of December 7, 2015, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

**MEETING OPENED TO THE PUBLIC**

None.

**COUNCIL BUSINESS**

**IKE (K-9) RETIREMENT**

**PRESENTATION**

Deputy Chief Rick Clolinger delivered a presentation on the history of the K9 funding, and Ike's career during his eight years with the city. He wanted to give special thanks to, Matt Wilson and the Jessica Nagel Wilson Foundation for support and funding, Ike for his service, Nicholas Paul for his dedication, City Council current and past and Paul Bueche for their support . Dr. Denny Pinkston, and his son Jeff Pinkston of Swartz Creek Veterinarian for the care of Ike. Retired Lt. Rick Deshano who played a big part of making it happen, Swartz Creek Women's Club for all their donations, Kathy Rainwater who was instrumental in the CN Railroad donation. The community was very supportive of the K9 unit with donations. Swartz Creek View for the great coverage. Friends of Perkins Library, Swartz Creek Community Schools and Mid-Michigan Police Canine Association for all the support and donations.

Deputy Chief Rick Clolinger, Mayor David Krueger, Chief Dan Atkinson and Lt. Matt Bade presented Officer Nicholas Paul and Ike with a plaque.

**OFFICER RECOGNITION**

**PRESENTATION**

Chief Dan Atkinson presented Officer Nicholas Paul with an award for recognition of hazardous duty in risking his life on January 23, 2015. He also received a pin for his uniform in recognition of perilous acts during course of duty on January 23, 2015.

Officer Terry VanKeuren Jr. was presented an award in recognition of his performance on January 23, 2015 in which he displayed exceptional courage & bravery while assisting a fallen officer.

## **5 Minute Break**

### **PARKING ORDINANCE AMENDMENT #426**

**Resolution No. 151214-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember: Gilbert

**I Move** the City of Swartz Creek enact Ordinance #426, an ordinance to amend Section 18-71 of Article III of Chapter 18 of the Code of Ordinances to prohibit motor vehicle parking and storage on front lawns and to establish the penalties for violations thereof, as follows:

#### **CITY OF SWARTZ CREEK ORDINANCE NO. 426**

An ordinance to amend Section 18-71 of Article III of Chapter 18 of the Code of Ordinances to prohibit certain parking and assign the penalties for violations thereof.

#### **THE CITY OF SWARTZ CREEK ORDAINS:**

##### **Section 1. Amendment of Section 18-71 of Article III of Chapter 18 of the Code of Ordinances of the City of Swartz Creek.**

Section 18-71 of Article III of Chapter 18 of the Code of Ordinances for the City of Swartz Creek is hereby amended by adding "Parking or storage on front lawns within R-1, R-2, R-3 & R-4 Zoning Districts and/or on the front lawns of properties used for single family use, except for temporary events in which parking is approved in advance by the chief of police or his/her designee. "Front lawn" shall mean the unimproved, grassy or natural area measured by the full width of the front lot line to a depth measured from said front lot line to the first supporting member of a structure. In the case of corner lots, the "front lawn" shall be the area measured by the lot lines on each street to a depth measured from said lot lines to the first supporting member of the structure, excluding those areas enclosed by a fence," as one of the prohibited offenses, and that the penalty for violations of that offense shall be set by resolution of the city council.

##### **Section 2. Effective Date.**

This Ordinance shall take effect twenty (20) days following publication. At a regular meeting of the City Council of Swartz Creek held on the 14th day of December, 2015, Councilmember Hicks moved for adoption of the foregoing ordinance and Councilmember Gilbert supported the motion.

Discussion Ensued.

Voting for: Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger.

Voting against: None.

The Mayor declared the ordinance adopted.

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David Krueger  
Mayor

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Juanita Aguilar  
City Clerk

### **CERTIFICATION**

The foregoing is a true copy of Ordinance No. 426 which was enacted by the Swartz Creek City Council at a regular meeting held on the 14th day of December, 2015.

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Juanita Aguilar  
City Clerk

Voting For: Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger.

Voting Against: None.

### **PARKING ORDINANCE #426 PENALTY VIOLATION**

**Resolution No. 151214-05**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek set the fee for violation of \$20.00 and add this to our fee schedule.

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

NO: None. Motion Declared Carried.

### **POLICE DEPARTMENT ANNUAL BICYCLE GIVE AWAY PROGRAM**

**Resolution No. 151214-06**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the Swartz Creek Police Department conducts an annual Bicycle Give Away event & Shop with Hero event wherein school district administrators recommend local youngsters in need to participate in those programs; and

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

**WHEREAS**, twenty-two such bicycles are used and Assenmacher's Cycling Center has donated its services to repair and refurbish those bikes into like new condition; and

**WHEREAS**, Meijer is willing to donate \$2,000 worth of store credit toward the purchase of new bikes to supplement the used bikes; and

**WHEREAS**, Meijer is also willing to provide \$3,700 worth of store credit, \$1,300 of which is unspent credit previously offered to the city for the K-9 program, towards the Shop with a Hero program.

**NOW, THEREFORE, I Move** that the City of Swartz Creek approve the 2015 Annual Police Department Bicycle Give Away Program, including the donation of 20 bikes to the Salvation Army, and further authorizes the acceptance of donations and subsequent distribution of approximately 35 new and used bicycles, with a comprehensive list to be established and reported back to the city council.

**BE IT FURTHER RESOLVED**, that the City of Swartz Creek approve the 2015 Annual Shop with a Hero Program, and authorize the acceptance of donations, cash or credit, and subsequent distribution of said credit to area youth as recommended by local school and police department administrators.

**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.

Discussion Ensued.

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

## **TOT-LOT PROJECT – ELMS PARK**

### **Resolution No. 151214-07**

Motion by Councilmember Pinkston  
Second by Councilmember Gilbert

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of parks in the community, with the largest park being Elms Park; and

**WHEREAS**, the City Council, with the input and guidance of the Parks and Recreation Advisory Board, makes improvements and provides for new capital investment from time to time; and

**WHEREAS**, such investment is guided by various sources, including the five year park plan, unsolicited donations, and recommendations of the park board; and

**WHEREAS**, the City has budgeted funds and sought grants to make improvements to Elms Park, including renovation of the restrooms, accessibility upgrades for parking/pavilion access, forestry, and other improvements; and

**WHEREAS**, the park board finds the timing is right to provide for new recreational amenities for the toddler age group that are not otherwise provided for by existing features; and

**WHEREAS**, the park board has been working with staff and an equipment provider to identify appropriate equipment and a suitable location for such amenities; and

**WHEREAS**, the City Council finds the recommended investment to serve a public purpose and conform to the goals and objectives of the city's park plan.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek hereby directs staff to accept donations from the general public for the purpose of supporting the "Tot-Lot" equipment purchase & installation as outlined in the city council packet of December 14, 2015 and directs the finance director to deposit such funds in a dedicated account for said purpose.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek hereby directs staff to report the progress of fundraising in future City Manager Reports and to bring before the city council a resolution to affirm final procurement and positioning of the equipment prior to expending any such funds.

Discussion Ensued.

**Resolution No. 151214-07a**

**(Amended)**

Motion by Councilmember Shumaker  
Second by Councilmember Porath

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of parks in the community, with the largest park being Elms Park; and

**WHEREAS**, the City Council, with the input and guidance of the Parks and Recreation Advisory Board, makes improvements and provides for new capital investment from time to time; and

**WHEREAS**, such investment is guided by various sources, including the five year park plan, unsolicited donations, and recommendations of the park board; and

**WHEREAS**, the City has budgeted funds and sought grants to make improvements to Elms Park, including renovation of the restrooms, accessibility upgrades for parking/pavilion access, forestry, and other improvements; and

**WHEREAS**, the park board finds the timing is right to provide for new recreational amenities for the toddler age group that are not otherwise provided for by existing features; and

**WHEREAS**, the park board has been working with staff and an equipment provider to identify appropriate equipment and a suitable location for such amenities; and

**WHEREAS**, the City Council finds the recommended investment to serve a public purpose and conform to the goals and objectives of the city's park plan.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek hereby directs staff to accept donations from the general public and other organizations for the purpose of supporting the "Tot-Lot" equipment purchase & installation as outlined in the city council packet of December 14, 2015 and directs the finance director to deposit such funds in a dedicated account for said purpose.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek hereby directs staff to report the progress of fundraising in future City Manager Reports and to bring before the city council a resolution to affirm final procurement and positioning of the equipment prior to expending any such funds.

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

**Resolution No. 151214-07**

**(Carried as amended)**

With the addition of and other organizations, in paragraph 8.

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

## **MICHIGAN MUNICIPAL LEAGUE DUES**

**Resolution No. 151214-08**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Abrams

**I Move** the City of Swartz Creek renew its annual membership in the Michigan Municipal League for the period from 02/01/2016 to 01/31/2017, and further,

appropriate an amount not to exceed \$3,073 for payment thereof, funds to be apportioned across revenue bearing accounts as determined by the Finance Director.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **STREET FUNDING OPTIONS**

**(Discussion)**

Adam Zettel, City Manager reviewed the options with the council. If a proposal is to be on the May ballot, a resolution for ballot language would have to be approved by council the first February meeting.

### **MEETING OPEN TO THE PUBLIC:**

Dave Alexander, 5346 Greenleaf, asked if Springbrook could be excluded from voting for the street proposal. Mayor Pro Tem Abrams responded that it would have to be a special assessment to the streets that need repaired.

Steve Shumaker, 7446 Country Meadow, commented if the street proposal was on the primary ballot (presidential primary) it may save the city some money. Juanita Aguilar, City Clerk/ Finance Director responded it could not be included on the ballot. He feels we should look at lower millage and special assessments, or a step millage.

Tommy Butler, 40 Somerset, believes we need a paradigm, things need to move in a different direction and people need to be given information of what they are getting in regards to the proposal.

### **REMARKS BY COUNCILMEMBERS:**

Councilmember Shumaker wanted to thank City Manager Adam Zettel for the MML Michigan Municipal manual and Merry Christmas.

Councilmember Gilbert would like to wish everyone a Merry Christmas and a joyous new year. He also commented that there is a pole down in front of the three story Nemer building on Miller Road.

Councilmember Pinkston commented he went to the bike giveaway last year and it was a fun time.

Mayor Pro Tem Abrams commented Merry Christmas & Happy New Year. Hope to see everyone Wednesday night.

Mayor Krueger commented he has been at the bike giveaway for several years and encouraged whomever wanted to come should come early because it gets crowded. Also Merry Christmas and Happy New Year.

### **Adjournment**

**Resolution No. 151214-09**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council adjourn the regular meeting at 9:05 pm.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Juanita Aguilar, City Clerk**