

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 2/9/2015**

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, Deputy City Clerk Deanna Korth, DPS Director Tom Svrcek.

Others Present: Bob Plumb, Lou Fleury, Boots Abrams, Ann Goldon, Joe Perreault, Ron Schultz, Elaine Tucker, Sandra Dively, David Kunz, Jim Barclay, Connie King, Suzanne Cupal, Brigitte Woodbury.

**APPROVAL OF MINUTES**

**Resolution No. 150209-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, January 26, 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. 150209-02**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of February 9, 2015, 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. 150209-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro-Tem Abrams

**I Move** the Swartz Creek City Council accept the City Manager's Report of February 9, 2015, 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

#### Genesee County Health Department

**(Presentation)**

Ann Goldon, Genesee County Health Department, presented the city with a plaque to commemorate the Swartz Creek City parks adopting a smoke free policy.

#### Street Project Review Committee 20 Year Plan and Presentation

**Resolution No. 150209-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City Council created the Street Project Review Committee to prepare a 20 year street improvement plan and related informational materials; and

**WHEREAS**, the SPRC has been meeting regularly and, with the assistance of the city engineer, has drafted such a plan and presentation; and

**WHEREAS**, the plan accomplishes the objectives of the city and is found to be ready for public distribution; and

**NOW, THEREFORE, I Move** the City of Swartz Creek City Council hereby approves the 20 year street plan, as outlined on pages 76 and 77 in the packet, to be circulated as a working draft.

**BE IT FURTHER RESOLVED**, the City Council hereby implements the plan for use by the city in planning future repairs and maintenance, contingent upon approval of the street levy to be decided by the electorate on May 5, 2015.

Discussion Took Place.

City Manager Zettel made a presentation showing what the Street Project Review Committee would like to present to the public at various public venues.

Discussion Ensued.

Elaine Tucker, 5294 Daval, complimented Mr. Zettel on the presentation. Ms. Tucker stated that she hopes future presentations are advertised well so that there is greater attendance.

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

### **Master Plan Process Initiation**

**Resolution No. 150209-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City of Swartz Creek master plan was last revised on February 10, 2010; and

**WHEREAS**, the Michigan Planning Enabling Act requires a plan to be reviewed every five years in order to maintain its applicability and maximum legal integrity; and

**WHEREAS**, the City Council finds this five year period to have expired; and

**WHEREAS**, the City also finds that recent developments further necessitate the need to revise the plan, including but not limited to:

1. The closure of Sports Creek Raceway
2. The construction of Meijer
3. The mixed indicators of property valuation and growth within the economy
4. The aging of the population and related changes in demographics
5. The continued decrease in taxable values and state revenue sharing

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby directs the planning commission to initiate the process to review and amend the Swartz Creek Master Plan, with review to include all sections.

**BE IT FURTHER RESOLVED**, the City Council directs the city manager to complete this process using city staff, save for limited expert input that may be required in the field of infrastructure and traffic engineering.

Discussion Ensued.

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

**Consumers Energy Lighting Contract Addition**

**Resolution No. 150209-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Gilbert

**WHEREAS**, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

**WHEREAS**, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

**WHEREAS**, the operations and terms, including pricing, under which such services are delivered are regulated by the Michigan Public Service Commission; and

**WHEREAS**, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types; and

**WHEREAS**, this contract has been revised and approved by the city as recently as January 12, 2015; and

**WHEREAS**, a need for additional street lighting has been identified at the corner of Miller Road and Fairchild Street; and

**WHEREAS**, CE is proposing to install two additional lights for a cost of \$200, plus monthly fees related to ongoing operation and maintenance; and

**WHEREAS**, an addition to the contract is required to effect this change.

**NOW THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby agrees to the proposed addition to the CE street lighting contract, as included in the city council packet for February 9, 2015, and further directs the Mayor to execute said contract.

Discussion Took Place.

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

**Varsity Champion Sign Purchase & Policy**

**Resolution No. 150209-07a**

**(Amended)**

Motion by Councilmember Porath  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City of Swartz Creek receives requests from time to time to purchase and install signs that acknowledge the achievements of student athletes; and

**WHEREAS**, the City of Swartz Creek received such a request from the boys varsity golf team for a state championship in 2014; and

**WHEREAS**, the City sees a public benefit to acknowledging extraordinary accomplishments of athletic teams of the Swartz Creek Community Schools; and

**WHEREAS**, the City also finds that the scope of this support needs to be limited in order to be practically and financially feasible; and

**WHEREAS**, the City Council finds that the acquisition of school achievement signs to be advisable when the following circumstances apply:

1. State or national level championship only
2. Varsity team sport (not including club sport or individual accomplishments)
3. Swartz Creek Public School District teams only
4. Limit of seven signs for gateways on Morrish, Miller, Seymour, and Elms
5. Replacements will not be provided by the city for any reason (replacement signs purchased by other parties will be installed by the city)
6. Signs will be standard traffic signs, white text on green background, stating the year, sport, division, and title
7. Request must be received within five years (to prevent requests from decades-old titles)

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the request by the coach of the boys varsity golf to place signs at the city gateway, in an amount not to exceed \$750, and further directs staff to permit the purchase of such signs under the guidance of the requirements herein.

Discussion Took Place.

**Resolution No. 150209-07b**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hicks

**I Move** to amend the motion to include a #8 that limits the duration of the sign display to be limited to 10 years and then the sign is to be retired.

Discussion Ensued.

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

**Resolution No. 150209-07c**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro-Tem Abrams

**I Move** to amend the motion to change item #7 to read one year instead of 5 years.

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

**Resolution No. 150209-07d**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, the City of Swartz Creek receives requests from time to time to purchase and install signs that acknowledge the achievements of student athletes; and

**WHEREAS**, the City of Swartz Creek received such a request from the boys varsity golf team for a state championship in 2014; and

**WHEREAS**, the City sees a public benefit to acknowledging extraordinary accomplishments of athletic teams of the Swartz Creek Community Schools; and

**WHEREAS**, the City also finds that the scope of this support needs to be limited in order to be practically and financially feasible; and

**WHEREAS**, the City Council finds that the acquisition of school achievement signs to be advisable when the following circumstances apply:

1. State or national level championship only
2. Varsity team sport (not including club sport or individual accomplishments)
3. Swartz Creek Public School District teams only
4. Limit of seven signs for gateways on Morrish, Miller, Seymour, and Elms
5. Replacements will not be provided by the city for any reason (replacement signs purchased by other parties will be installed by the city)
6. Signs will be standard traffic signs, white text on green background, stating the year, sport, division, and title

- 7. Request must be received within one year (to prevent requests from decades-old titles)
- 8. Duration of sign posting will be 10 years and then the sign will be retired.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the request by the coach of the boys varsity golf to place signs at the city gateway, in an amount not to exceed \$750, and further directs staff to permit the purchase of such signs under the guidance of the requirements herein.

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

**MDOT Contract – Miller Road**

**Resolution No. 150209-08**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
 Second by Councilmember Hicks

**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

<b>Morrish to Elms</b>			
	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
<b>Total Project Cost</b>	<b>\$885,825.00</b>	<b>\$221,456.00</b>	<b>\$1,107,281.00</b>
<b>Tallmadge to Dye</b>			
	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
<b>Total Project Cost</b>	<b>\$889,690.00</b>	<b>\$222,422.00</b>	<b>\$1,112,112.00</b>

**WHEREAS**, the city proceeded with preliminary engineering and bidding, using the services of OHM Advisors, under a third party contract with the MDOT; and

**WHEREAS**, the city subsequently selected OHM Advisors to perform construction engineering services; and

**WHEREAS**, the projects have been bid to the public using refined estimates and the MDOT is requesting that the city enter into an agreement to set final terms for construction of these segments.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approves the MDOT contract 14-5650, as attached, for construction and related engineering services for the Miller Road project.

**BE IT FURTHER RESOLVED**, the City Council directs the Mayor and Clerk to prepare and execute said third party MDOT agreement.

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

NO: None. Motion Declared Carried.

### **Hazardous Waste Request**

**Resolution No. 150209-09**

**(Carried)**

Motion by Councilmember Shumaker

Second by Councilmember Porath

**WHEREAS**, the residents and businesses of the city benefit from household hazardous waste collection in Genesee County, such service being offered within the city limits from time to time; and

**WHEREAS**, the City Council finds the Keep Genesee County Beautiful/United Way supported program to be the most successful of such programs, providing a direct benefit to the city.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek approves payment in the amount of \$750.00 to Keep Genesee County Beautiful for the purpose of supporting the 2015 hazardous household waste collection program, such funds to be allocated from the contractual service account of the city's waste services fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **2014-2015 Mid-Year Budget Adjustments**

**Resolution No. 150209-10**

**(Carried)**

Motion by Councilmember Hicks

Second by Mayor Pro-Tem Abrams

**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 2014 – 2015 Revenue and Expenditure Report through December 2014, and finds that it is not in deficit; however, certain department activity line items may be in deficit; and

**WHEREAS**, the City Council has received a Budget Amendment Summary and Revenue and Expenditure Reports reflecting proposed changes in budgeted items; and

**WHEREAS**, new budget amounts necessitate adjustments to the original adopted budget; and

**WHEREAS**, said supplemental documentation shows the new proposed revenue and expenditures by fund.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby authorizes and directs the city manager to make all necessary mid-year budget adjustment amendments to Fund 202 (Major Streets), Fund 203 (Local Streets), Fund 590 (Water), and Fund 591 (Sewer) in accordance with the supplemental documentation (pages 115 to 136) attached.

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

NO: None. Motion Declared Carried.

**MEETING OPEN TO PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath thanked City Manager Zettel and Engineer Lou Fleury for their work on the street project. Mr. Porath spoke about an email that he received from the Mayor in reference to the proposed sales tax increase. Mr. Porath emphasized that the city needs to let the public know how our local street millage will be used.

Councilmember Shumaker thanked Mr. Zettel for the excellent report on the yearly planning. Mr. Shumaker stated that the budget adjustment explanations were just as good. Mr. Shumaker spoke about water loss, asking if anyone had considered if bulk water sales might contribute to it.

Councilmember Hicks stated that she thinks the road plan is wonderful. Ms. Hicks stated that the council needs to make the public aware of the plan and that it will be revisited each year. Ms. Hicks asked if everyone would be notified when the public meetings are

scheduled. Ms. Hicks stated that she likes the guidelines for the signs. Ms. Hicks thanked the Park Board for all of their work.

Councilmember Gilbert stated that C & H is doing a good job on the washed out creek by the Masonic Temple. Mr. Gilbert stated that the sidewalks look good now.

Councilmember Pinkston stated that he has asked three people to be on the citizen street committee, Dave Kunz, Sandy Dively & Elaine Tucker, who are all present. Mr. Pinkston spoke about the state sales tax proposal.

Mayor Pro-Tem Abrams spoke about the railroad crossing at Seymour Road being really bad. Mr. Abrams stated that he would like to see acronyms spelled out in documents. Mr. Abrams stated that he is pleased to have his wife Boots Abrams back at the meetings.

Mayor Krueger stated that there is a citizens committee meeting at 10:00am on Thursday at Jan's Bar and all are welcome. Mr. Krueger stated that people need to realize that if you are a citizen of Swartz Creek, you own all the streets, and we have a responsibility to take care of our property. Mr. Krueger thanked all of the volunteers helping with the road millage.

### **Adjournment**

**Resolution No. 150209-11**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:45 p.m.

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

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**David A. Krueger, Mayor**

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**Deanna Korth, Deputy City Clerk**