

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 6/22/2015**

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, DPS Director Tom Svrcek, Steve Warren- OHM Advisor.

Others Present: Bob Plumb, Sharon Shumaker, Evelyn Woodward Deneen, Dick Deneen, Robert Moak, Carole Gould, Dennis Gould, Sandra Moak, Rick Ballreich, Sharon Ballreich, Joe Kohler, Joyce Kohler, Norman Butts, Vicki Butts, Jennie Pyles, Marilyn Marsh, Steve Shumaker, Patti Elias, Pat Dunnigan, Don Gavriloff, Rosie Gavriloff, Allen Brown, Linda Brown, John Mullen, Patricia Mullen, Edwin Moon, Ron Schultz, Jim Florence, R.M. Teunion, Michael McGaffigan, Joe Perreault.

**APPROVAL OF MINUTES**

**Resolution No. 150622-01**

**(Carried)**

Motion by 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 8, 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. 150622-02**

**(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 June 22, 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. 150622-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of June 22, 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**

Sharon Ballreich, resides at 4297 Maya Ln., spoke in regards to the Springbrook East Association request on the agenda.

### **COUNCIL BUSINESS**

#### **FOIA Policies and Forms**

#### **Resolution No. 150622-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the Michigan Legislature recently adopted amendments to the Michigan Freedom of Information Act ("FOIA"), Public Act 422 of 1976, especially as to fees that the City can assess for responding to FOIA requests, and

**WHEREAS**, the city adopts this resolution so that the fees it assesses in responding to FOIA requests are consistent with these changes in state law, and

**WHEREAS**, the city also desires to have a comprehensive and transparent FOIA policy, and

**WHEREAS**, the city maintains presence on the internet and is therefore compelled to maintain summary of its FOIA policies on its webpage,

**NOW, THEREFORE BE IT RESOLVED**, the City Council hereby resolves to adopt the FOIA Procedures and Guidelines, with related summary, and fee schedule attached hereto, as may be amended from time to time.

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

**Bench Donation Acceptance**

**Resolution No. 150622-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**I Move** the City of Swartz Creek accept the donation of a park bench from Beta Sigma Phi, including the inscription “BONNIE RODGERS – JULY 15, 2014 – BETA SIGMA PHI SORORITY”, said bench to be placed in Elms Park as directed by Mr. Svrcek and as permitted by the Park Board.

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

**Paving Project Change Order - Bristol**

**Resolution No. 150622-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the service cuts that service the GM facility and serve as the connecting traffic routes between Miller and Bristol Road are rapidly deteriorating; and

**WHEREAS**, the ownership of these “cuts” was previously questioned, with evidence supporting ownership by General Motors; and

**WHEREAS**, this ownership discrepancy resulted in the exclusion of these areas from the most recent federal aid road project in the vicinity, being the Bristol Road resurfacing; and

**WHEREAS**, past practice and updated county parcel maps strongly support the case that these cuts are within the right-of-way of the city and are the city’s responsibility to own, operate, and maintain; and

**WHEREAS**, the city is in the process of resurfacing Miller Road and is able to extend very competitive unit prices to this adjacent area,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek approve the additional paving scope as outlined in the engineers project description, including placement of 138.35 tons of hot mix asphalt (HMA) to complete the connection between the Miller Road surface area and the Bristol Road project limit, estimated to cost \$10,827.96, and further direct staff to procure such services under the costs

established by the existing contract and appropriate such expenses as budgeted in fiscal year 2016.

Discussion Ensued.

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

### **Paving Project Change Order – Miller**

**Resolution No. 150622-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the city widened Miller Road within the last decade to add a right turn only lane that extended from Elms Road to the west Kroger entrance along the north side of Miller Road (west bound traffic); and

**WHEREAS**, a section of this improvement remains in superior condition to the surrounding pavement on Miller Road and was therefore excluded from participation within the MDOT project to resurface Miller Road; and

**WHEREAS**, the city does not anticipate resurfacing Miller Road for the foreseeable future; and

**WHEREAS**, economies of scale and safety concerns, especially related to traffic control and mobilization make the present time opportune to resurface this additional lane; and

**WHEREAS**, the city is in the process of resurfacing Miller Road and is able to extend very competitive unit prices to this project area,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek approve the additional paving scope as outlined in the engineers project description, including placement of 56 tons of hot mix asphalt (HMA) to complete the connection between the work as mapped within the city council packet, said work estimated to cost \$4,800.15, and further direct staff to procure such services under the costs established by the existing contract and appropriate such expenses as budgeted in fiscal year 2016.

Discussion Ensued.

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

### **Fireworks Ordinance**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Hicks

**WHEREAS**, the Public Act 256 of 2011, the Michigan Fireworks Safety Act, set state-wide restrictions and allowances for the use of fireworks within the state of Michigan, and

**WHEREAS**, this act limits control of local ordinances under specific circumstances, making the existing ordinance difficult to enforce, and

**WHEREAS**, as a city with fewer than 50,000 residents in a county with fewer than 750,000 residents, Swartz Creek retains the right to regulate consumer and display fireworks as it relates to the time, place, and manner of such use, and

**WHEREAS**, the City Council, finding that these changes need to be in place immediately in order to provide for the protection of the public welfare during the 4<sup>th</sup> of July holiday, declares Ordinance 420 to be an emergency ordinance,

**THEREFORE, I MOVE** the City of Swartz Creek ordains:

**ORDINANCE NO. 420**

An ordinance to bring the City into conformity with state law regarding the regulation of fireworks; to repeal conflicting ordinances on the same subject matter; and to provide penalties for violations thereof.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Adoption of Fireworks Ordinance.**

The City Council hereby adopts an ordinance regulating fireworks to read as follows:

**Sec. 1. Definitions.**

For purposes of this Ordinance, the following definitions shall apply:

1. Articles pyrotechnic: pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
2. APA: American Pyrotechnics Association.

3. Consumer fireworks: fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. Consumer fireworks does not include low-impact fireworks.
4. Department: Department of Licensing and Regulatory Affairs (LARA), State of Michigan.
5. Display fireworks: large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.
6. Firework or fireworks: any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.
7. Low Impact Fireworks: ground and handheld sparkling devices at that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. Minor: individual who is less than 18 years old.
9. National holiday: A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January ); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
10. NFPA: National Fire Protection Association.
11. Novelties: as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5. and all of the following:
  - (a) Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.
  - (b) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the

explosion.

(c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

12. Person: individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

13. Special effects: a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as in integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

## **Sec. 2. Novelties.**

This Ordinance does not apply to and does not regulate the use of Novelties in the City.

## **Sec.3. Consumer Fireworks.**

(A) Consumer fireworks may be used in the City on the day proceeding, the day of and the day after a national holiday between the hours of 8:00 a.m. and 1:00 a.m.

(B) At any time other than the day preceding, the day of and/or the day after a national holiday consumer fireworks shall be prohibited.

(C) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.

(D) A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.

(E) Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

## **Sec. 4. Pyrotechnic and Display Fireworks.**

(A) The City may permit articles pyrotechnic, display fireworks and special effect fireworks pursuant to the provisions of MCL 28.451, *et seq* and this Ordinance.

(B) Any person wishing to conduct an articles pyrotechnic, display

fireworks or special effects display shall, at least 45 days prior to any display, submit an application on a form furnished by the City, pay the required fee and shall secure permission from the City prior to any such fireworks display.

(C) The site plan of the area where the articles pyrotechnic, display fireworks or special effects display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and within the discharge site fallout area. The site plan shall furthermore set forth the distance separating any fireworks and any spectator viewing areas. All site plans shall be forwarded to the Fire Chief and/or his designated alternate for approval, including any recommended conditions, prior to coming before the City Council for its approval.

(D) A copy of any required state or federal permit for the fireworks display shall be submitted with the application.

(E) Proof of insurance conforming the requirements of this Ordinance and PA 256 of 211 shall be submitted with the application.

(F) The application shall include information as to the competency and qualifications of the fireworks display operators, as required by NFPA 1123.

(F) The City shall approve an application for an articles pyrotechnic, display fireworks or special effects display if it finds that all of the following standards are satisfied:

- 1) The application and accompanying documentation is complete and conforms to the requirements of this Ordinance.
- 2) The operator of the fireworks display is competent and qualified to conduct the fireworks display, per NFPA 1123.
- 3) The Fire Chief or his/her designated alternate has approved the application and site plan.
- 4) The fireworks display will not have an adverse effect upon public safety.
- 5) The time, duration, location of the fireworks or special effects display will not, due to noise and other factors, unreasonably disturb the peace of persons residing within the vicinity.
- 6) The City, in approving an application hereunder, shall have the authority to impose such conditions as it determines in its sole reasonable discretion are necessary to assure that the fireworks display will satisfy the above standards.

(G) Requirements and Restrictions.

1. The person conducting the fireworks display shall follow NFPA 1123 for fireworks

display and/or the City requirements set forth herein, whichever are more restrictive.

2. A minimum safe area of 250 feet radius, plus an additional 70 feet radius for each inch by which the fireworks shell exceeds 3 inches in diameter shall be required. The City shall have the authority to grant a variance from this requirement where it determines in its sole reasonable discretion that, given 1) the nature of the subject site, 2) the nature of the surrounding area and/or 3) the nature of the proposed fireworks display, that a variance will not have a material adverse impact on public safety. In no event, however, shall the applicant fail to comply with the minimum requirements of NFPA 1123.

3. The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The City shall be named as an additional insured on the insurance policy.

4. The City shall not issue a permit to a nonresident person until the person has appointed in writing a member of the state bar or a resident agent to be the person's legal representative upon whom all process in an action or proceeding against the person may be served.

5. The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.

6. The consumption of alcohol immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited.

7. A fireworks display conducted hereunder shall conform with all specifications set forth in the approved application and site plan, as well as with any conditions imposed by the City in granting such approval.

8. The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the fireworks display has ended.

9. A permit is not transferable and shall not be granted to a minor.

**Sec. 5. Violations; penalties.**

Any person that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and fined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st offense within 3 year period	\$ 75.00	\$500.00
2nd offense within 3 year period*	\$ 150.00	\$500.00
3rd offense within 3 year period*	\$ 325.00	\$500.00
4th offense within 3 year period*	\$ 500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City incurs in enforcing this Ordinance.

In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

**Section 2. Repeal of Conflicting Ordinances.**

The City Council hereby repeals all Ordinances or parts of Ordinances in conflict herewith, including Section 10-192.

**Section 3. Effective Date.**

This ordinance shall be effective immediately upon publication.

At a regular meeting of the City Council of the City of Swartz Creek held on June 22, 2015, adoption of the foregoing ordinance was moved by Mayor Pro Tem Abrams and supported by Councilmember Hicks.

Voting for: Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker, Abrams.  
Voting against: None.

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David A. Krueger  
Mayor

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 420, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on June 22, 2015.

\_\_\_\_\_  
Juanita Aguilar, City Clerk

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

Mayor Pro Tem Abrams requested a recess.

**Springbrook East Lot Proceeds**

**Resolution No. 150622-09**

**(Carried)**

Motion by Councilmember Shumaker  
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 determined that a public purpose existed 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 was to sell the lots to recover assessment costs and other administrative costs and to preserve property values; and

**WHEREAS**, the city resolved on October 14, 2013, to permit the Springbrook East Condominium Association to benefit from lot sale proceeds above the city’s costs as a means to offset development costs contributed by association members as follows:

“Sell the 12 Springbrook East lots to Springbrook East Association for \$2,535.50 each under a three year non-binding agreement wherein the association could buy any number of lots at any time and re-sell them at their sole discretion. At any time, either party could back out of the agreement upon written notice after which the City would have no further obligation to the Association.”

**WHEREAS**, the association and the city, due to procedural circumstance, never entered in to such an arrangement; and

**WHEREAS**, the city issued a request for proposals to develop these units in 2014, had the proposals reviewed by a committee, and resolved to sell the units at market value to Woodside Builders for an amount exceeding the recovery of the assessment and administrative costs; and

**WHEREAS**, the city invested \$2,535.50 into each lot with sale proceeds expected to total \$105,168.50 for all twelve lots, leaving \$74,742.50 unencumbered; and

**WHEREAS**, the Springbrook East Condominium Association board now requests that the lot sale proceeds in excess of the costs input by the city be transferred to the association to offset a portion of their special assessment costs.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council approves the payment of \$74,742.50 or 71.1%, whichever is less, of Springbrook East lot sale proceeds to the Springbrook East Condominium Association,

**BE IT FURTHER RESOLVED**, the city shall issue the association a check for 71.1% of proceeds received to date and shall endeavor to future payments within 60 days of each sale at the rate of 71.1% of each such sale as outlined in the current purchase agreements.

Discussion Ensued.

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

NO: Abrams. Motion Declared Carried.

**Dye Road Lot Sales**

**(Carried)**

**Resolution No. 150622-10**

Motion by Councilmember Hicks  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek owns two vacant, unimproved parcels of real property on Dye Road, identified as parcel 58-29-551-026, and 58-29-551-028, and;

**WHEREAS**, the city received an unsolicited offer to purchase this property from an adjacent landowner, and;

**WHEREAS**, the city council directed the planning commission to make a recommendation concerning this matter, and;

**WHEREAS**, the commission reviewed the proposal at their meeting on June 2, 2015 and found the properties to be of marginal public value, and;

**WHEREAS**, under the city's land sale policy, the city council finds that a professional auction is the optimal sale process to be in the best interest of the public for the purposes of expediting the sale of surplus property,

**NOW, BE IT RESOLVED** that the City of Swartz Creek directs the city manager to enter into contract with Biddergy LLC as included in the city council packet of June 22, 2015 for the auction both parcels.

**BE IT FURTHER RESOLVED** that all such bids shall be brought back to the city council for consideration, with the city council reserving the right to reject any and all bids.

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

### **Third Street Property**

**Resolution No. 150622-11**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the Swartz Creek city council made the following findings as it relates to the future use of 5017 Third Street, PID 58-01-502-077:

1. The prior use, existing zoning, and future land use designation for this parcel are all classified as residential
2. The parcel still retains two accessory structures of a residential use
3. The parcel is adjacent to a residential use to the south and a commercial use to the north, with residential across the street and commercial behind
4. Adjacent owners have expressed a written interest to split the property
5. If split, resulting parcels must be rezoned to reflect the parent parcel of the respective buyer
6. Any split line must transect the property east-west to enable access
7. Resulting parcel splits must be combined with the respective parent parcels upon any sale; and

**WHEREAS**, the Swartz Creek City Council directed the city manager to negotiate the sale, split, and related conditions of such sale with the adjacent landowners on Third Street; and,

**WHEREAS**, a purchase agreement and a pair of sale instruments are now presented to the city council for consideration,

**NOW, THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby approves the sale of 5017 Third Street for \$7,500, said sale to involve the split and separate deeding to the adjacent land owners as outlined in the purchase agreement 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 considered again by the city council.

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

### **County Treasurer' Agreement, Acquire Tax Reverted Property**

**Resolution No. 150622-12**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Hicks

**WHEREAS**, on June 8, 2015 at a public meeting, the Swartz Creek City Council reviewed the staff and planning commission recommendation to acquire specific parcels listed as Genesee County Treasurers’ tax reverted property currently under foreclosure; and,

**WHEREAS**, the City Council finds that a public purpose exists for the acquisition of the property, located at 5012 Holland Drive, that purpose being the potential blight elimination, environmental remediation, and neighborhood enhancement; and,

**WHEREAS**, the City Council finds that a public purpose exists for the acquisition of the properties on Young Drive and Cardigan Drive, that purpose being the prevention of blight, potential drainage and other infrastructure improvements, and neighborhood enhancement; and,

**WHEREAS**, the list of all such properties for which there is a public purpose includes:

Parcel Number	Address	Minimum Bid
58-02-529-017	5012 Holland Drive	\$34,137.42
58-03-531-033	Cardigan Drive	1673.62
58-03-531-034	Cardigan Drive	1673.60
58-03-531-129	Young Drive	1671.99
58-03-531-130	Young Drive	1671.91
58-03-531-136	Young Drive	870.69
58-03-531-143	Young Drive	1673.64
58-03-531-144	Young Drive	1673.59
<b>Total</b>		<b>\$45,046.46</b>

; and,

**WHEREAS**, the County Treasurers’ Office requires certain conditions and stipulations relative to the acquisition of tax reverted properties by local units of government,

**NOW, THEREFORE, I Move** the City of Swartz Creek enter into an agreement with the Genesee County Treasurers’ Office, and further, direct the Mayor Dave Krueger and City Clerk to execute the agreement on behalf of the City, agreement as follows:

NOTICE TO GENESEE COUNTY TREASURER DEBORAH L. CHERRY, THE  
FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO PURCHASE FORECLOSED  
PROPERTY

The City of Swartz Creek hereby notifies Deborah L. Cherry, Genesee County Treasurer and Genesee County Foreclosing Governmental Unit, that it intends to purchase property described as SEE ATTACHED LISTING, also known as SEE ATTACHED LISTING, which property is located in Swartz Creek, Michigan, for a public purpose. The purchase price is \$45,046.46, which amount is the minimum bid as that term is defined in MCL 211.78m (11).

The public purpose for which the property is being purchased is:

Blight prevention, infrastructure improvements, and neighborhood enhancement thus advancing neighborhood stabilization.

The City of Swartz Creek agrees that this Notice will be filed with the Genesee County Register of Deeds and that the City of Swartz Creek will notify the Foreclosing Governmental Unit at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the City of Swartz Creek understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the Genesee County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the City of Swartz Creek.

Upon the request of the Foreclosing Governmental Unit the City of Swartz Creek shall provide without cost to the Foreclosing Governmental Unit information requested regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

This election by the City of Swartz Creek is made subject to any prior right of election vested in the State of Michigan.

The City of Swartz Creek understands that neither Genesee County nor Deborah L. Cherry, either individually and/or as Genesee County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the City of Swartz Creek and will not indemnify, defend, save nor hold harmless the City of Swartz Creek from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the City of Swartz Creek because of or related to its election to purchase the property above described.

The City of Swartz Creek agrees to indemnify, defend, save and hold harmless Genesee County and Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Genesee County and/or Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Swartz Creek to purchase the property above described.

Attached to this notice is a copy of the resolution authorizing the purchase which resolution incorporates the indemnification of Genesee County and Deborah L. Cherry.

Date: \_\_\_\_\_

\_\_\_\_\_  
David A. Krueger, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Juanita Aguilar, Clerk

**BE IF FURTHER RESOLVED**, the cost to purchase such properties, being \$45,046.46 as well as the addition of the current year taxes, shall be appropriated to the unencumbered, unreserved General Fund (101) fund balance.

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

**AFSCME Labor Contract Wage Opener**

**Resolution No. 150622-13**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Hicks

**WHEREAS**, the City of Swartz Creek entered into agreement with the American Federation of State, County, and Municipal Employees on June 25, 2012 to provide for conditions and provisions of employment; and

**WHEREAS**, the collective bargaining agreement, set to expire on June 30, 2016, did not establish a wage for the fiscal year 2016, beginning on July 1, 2015,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek approve the Wage Agreement between the City of Swartz Creek and the AFCSME bargaining unit as included herein, said agreement to include a rate increase of 2% for all classifications and groups, and further, authorize the Mayor and City Manager to execute the agreement on behalf of the City.

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

**Supervisors Association Wage Opener**

**Resolution No. 150622-14**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek entered into agreement with the City of Swartz Creek Supervisors Association on August 27, 2012 to provide for conditions and provisions of employment; and

**WHEREAS**, the collective bargaining agreement, set to expire on June 30, 2016, did not establish a wage for the fiscal year 2016, beginning on July 1, 2015,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek approve the Wage Agreement between the City of Swartz Creek and the Supervisors Association bargaining unit as included herein, said agreement to include a rate increase of 2% for all classifications and groups, with the exception of the Police

Lieutenant, which shall be compensated \$59,500 annually, and further, authorize the Mayor and City Manager to execute the agreement on behalf of the City.

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

### **POLC Labor Contract Wage Opener**

**Resolution No. 150622-15**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Porath

**WHEREAS**, the City of Swartz Creek entered into agreement with the Police Officers Labor Council on April 30, 2012 to provide for conditions and provisions of employment; and

**WHEREAS**, the collective bargaining agreement, set to expire on June 30, 2016, did not establish a wage for the fiscal year 2016, beginning on July 1, 2015,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek approve the Addendum to Agreement Between the City of Swartz Creek and the Police Officers Labor Council Patrol Officers Unit as included herein, said agreement to include, among other attributes, a rate increase of 2% for all classifications and groups, and further, authorize the Mayor and City Clerk to execute the addendum on behalf of the City.

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

### **City Manager Years Of Service Affirmation**

**Resolution No. 150622-16**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Porath

**WHEREAS**, Mr. Zettel began fulltime employment, including benefits, for the City of Swartz Creek in July of 2006, and;

**WHEREAS**, Mr. Zettel resigned, effective in September 2010, after four years and two months service, and;

**WHEREAS**, the city council hired Mr. Zettel, effective January 1, 2014, to serve in the position of city manager, a full time position with benefits,

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek recognizes prior time served towards Mr. Zettel's employment agreement as it relates to

vacation time, thereby making him an employee with five or more years of service as of January 1, 2015.

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

**Set 2015-2016 Council Meeting Schedule**

**Resolution No. 150622-17**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Hicks

**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 2015-2016 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 2015:	Monday – 13 <sup>th</sup> Monday – 27 <sup>th</sup>	
August 2015:	Monday – 10 <sup>th</sup> Monday – 24 <sup>th</sup>	
September 2015:	Monday – 14 <sup>th</sup> Monday – 28 <sup>th</sup>	
October 2015:	Monday – 12 <sup>th</sup> Monday – 26 <sup>th</sup>	(Columbus Day)
November 2015:	Monday – 9 <sup>th</sup> Monday – 23 <sup>rd</sup>	
December 2015:	Monday – 7 <sup>th</sup> Monday – 14 <sup>th</sup>	(One Week Earlier) (Two Weeks Earlier)
January 2016:	Monday – 11 <sup>th</sup> Monday – 25 <sup>th</sup>	
February 2016:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>	
March 2016:	Monday – 14 <sup>th</sup> Monday – 28 <sup>th</sup>	
April 2016:	Monday – 11 <sup>th</sup>	

Monday – 25<sup>th</sup>  
May 2016: Monday – 9<sup>th</sup>  
Monday – 23<sup>rd</sup>  
June 2016: Monday – 13<sup>th</sup>  
Monday – 27<sup>th</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, Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

**MEETING OPEN TO THE PUBLIC:**

Ned Gould, resides at 7237 Maplecrest Circle, wanted to thank the council for the consideration on the Springbrook East resolution and professionalism at the meeting. He also was speaking on behalf of Mr. Woods and he wanted to thank the city for the sale of the property on Third St. He also wanted to let the council know that the association would like to pay for the City to do the future repairs to the association roads.

Rosalie Gavriloff, resides at 4301 Maya, wanted to thank the council for resolving the Springbrook East matter and she is very grateful and appreciative.

Steve Shumaker, resides at 7446 Country Meadow Dr., he wanted to know where we are in the process with the Mundy Twp. merger.

Mayor David Krueger, responded that we haven't heard of any plan yet and believes that they are going to set up an authority. City Manager Adam Zettel commented on the steps that will take place and timeframe.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Shumaker commented he attended the ceremony this past Saturday at the Indian graveyard and Elms park afterwards.

Councilmember Porath commented on the concert series and the ice cream social this past Tuesday and it was a successful night. He also spoke that all meetings are open and nothing has ever been done illegally, this was in response to a comment made earlier in the meeting.

Mayor Pro Tem Abrams spoke on a FOIA request at the fire department.

Mayor Krueger spoke on the ceremony at the cemetery and the large attendance and support and he wanted to thank everyone who attended. He also commented on Feather & Fin offering free ice cream on father's day.

**Adjournment**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 9:30 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**