

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 7/27/2015**

The meeting was called to order at 7:00 p.m. by Mayor Pro Tem Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: Krueger.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar, City Attorney Mike Gildner.

Others Present: Bob Plumb, Sharon Shumaker, James Barclay, Maria Pavkovich, Mrs. M. Pavkovich, Andy Harris, Steve Shumaker, Bobby Allen, Glenda Grable, Ron Schultz, Dave Caudle, Ron Helms.

Resolution No. 150727-01

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Porath

I Move the Swartz Creek City Council excuse the absence of Mayor Krueger due to being out of town.

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

APPROVAL OF MINUTES

Resolution No. 150727-02

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, July 13, 2015 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 150727-03

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the Agenda as printed, for the Regular Council Meeting of July 27, 2015, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 150727-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of July 27, 2015, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

Bobby Allen, 5226 Winshall Dr, spoke about the mosquito problem near Winshall Park.

COUNCIL BUSINESS

Mosquito Control

(Presentation)

Joseph Flood, District Supervisor & Entomologist with Rose Pest Solutions in Saginaw along with Kevin Maylin, Account Manager, went through options to be considered for next year for mosquito control in the city.

Family Farm & Home Special Land Use Review

Resolution No. 150727-05

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek approved a special land use for outdoor sales in storage for 4315 Elms Road (Family Farm & Home), in accordance with the site plan dated November 17, 2010; and,

WHEREAS, the site has been noted to be in noncompliance with the site plan as it relates to this special land use, by virtue of numerous complaints, and;

WHEREAS, prior efforts to engage the owner and business were unsuccessful at effecting change; and,

WHEREAS, the city council, per Zoning Ordinance Section 30.06, began the process to revoke the special land use for outdoor sales and storage at their regular meeting on June 8, 2015; and,

WHEREAS, the owner and site manager have responded to the notice of revocation and have made a good faith effort to bring the site into compliance; and,

WHEREAS, further improvements relating to pallet storage, lighting repairs, and a dumpster enclosure are still pending,

NOW, BE IT RESOLVED that the City of Swartz Creek City Council extends the period for compliance by another 60 days.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Third Street Sale Instrument Approval

Resolution No. 150727-06

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

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 were approved by the city council on June 22, 2015; and,

WHEREAS, the sale instruments were made available for public inspection for a period exceeding thirty days; and,

WHEREAS, no additional findings have been made by the city council,

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 the Mayor and Clerk to execute the purchase agreement on behalf of the city and further directs the city manager to execute the quit claim deeds upon payment and other satisfactory completion of other applicable terms by the buyers.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Water Rates

(Discussion)

City Manager Zettel spoke about the new water rates passed on from Genesee County.

Sunoco Environmental Baseline Study

Resolution No. 150727-07

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Hicks

WHEREAS, the city resolved to acquire real property, commonly known as 5012 Holland Drive, parcel 58-02-529-017, the Sunoco station, from the Genesee County Treasurer's Office on June 22, 2015; and

WHEREAS, the County has subsequently transferred the property to the city under the rules and regulations pertaining to tax foreclosure in the County of Genesee, State of Michigan; and

WHEREAS, the city desires to protect its interest and liability pertaining to pre-existing contamination at this location; and

WHEREAS, the city desires environmental mitigation of the site by the responsible party; and

WHEREAS, Applied Ecosystems has demonstrated itself as a professional service company that is well situated to assist with these objectives through the provision of a Phase I Environmental Site Assessment (ESA), a Baseline Environmental Assessment (BEA), and a Documentation of Due Care Compliance (DDCC); and

WHEREAS, time is of the essence,

NOW, THEREFORE BE IT RESOLVED the City of Swartz Creek hereby approves the proposal of Applied EcoSystems, Inc., No. 15-5525-215 to perform an ESA, BEA, and DDCC for real property located at 5012 Holland Drive.

BE IT FURTHER RESOLVED the council hereby directs the city manager to execute the Notice to Proceed on behalf of the city.

BE IT FURTHER RESOLVED that costs related to these professional services shall be expensed to 101-794.000-801.000 in an amount not to exceed \$3,400.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Revised Cellular Tower Proposal

(Discussion)

City Manager Zettel updated the council on the revised proposal for the cell tower.

Merger Committee Appointments

Resolution No. 150727-08

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Pinkston

WHEREAS, under the General Operating Rules of the Council, the Mayor, with the advice and consent of Council, may appoint temporary committees whose membership may include persons not on Council; and

WHEREAS, such committees must be temporary in nature, have a specific purpose, and include a specific time frame for their activities; and

WHEREAS, the city is in the process of analyzing the merger of its police department with the police department of Mundy Township; and

WHEREAS, the council desires to enable a committee of councilmembers and staff to further deliberate on the particulars relating to merger and any resulting authority charged with performing police functions,

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby creates a temporary committee, to be referred to as the "Police Merger Review Committee," for the purpose of reviewing and making recommendations relating to the proposed police merger, specifically in reference to the draft joint services agreement.

BE IT FURTHER RESOLVED, the Police Merger Review Committee shall endeavor to deliver such findings at the regular meeting no later than October 12, 2015 and be subsequently dissolved unless otherwise engaged in further reviews at the direction of the city council.

BE IT FURTHER RESOLVED, the membership of the Police Merger Review Committee shall be composed of the following individuals:

Mayor Krueger
Councilmember Porath
Councilmember Pinkston
Mike Gildner – Advisory Counsel
Adam Zettel – Advisory Staff Member

Discussion Ensued.

YES: Hicks, Pinkston, Porath, Shumaker, Abrams.
NO: Gilbert. Motion Declared Carried.

MEETING OPEN TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke about an article in the newspaper, specifically a statement about monitoring wells, stating that he did not say what was printed in the paper.

Councilmember Hicks asked if the company that the city contracts with for road work engineering is responsible for choosing which contractors do the job or if MDOT tells them who to use. Mr. Zettel advised that it is an MDOT bid process, so they take the lowest qualified bidder. Mr. Zettel advised that the engineering company monitors the quality of the work done. Councilmember Hicks would like the city to register a formal complaint about this contractor for the curb work.

Councilmember Gilbert spoke about the GAIN meeting. Mr. Gilbert spoke about walking Miller Road and looking at the new curbs that are being installed, stating that a few look a little rough but that the majority look good. Mr. Gilbert spoke about his feeling that the new light configuration at Miller and Morrish roads is much safer for pedestrians crossing the street.

Councilmember Pinkston spoke about West Nile Virus stating that there have been some cases in horses in the Allegan area and that dog owners should be sure their dogs have had a heartworm preventative.

Mayor Pro-Tem Abrams spoke about Lloyd Fayling, the 911 Director, passing away.

Adjournment

Meeting Adjourned without opposition at 9:02pm

Richard B. Abrams
Mayor Pro-Tem

Juanita Aguilar, City Clerk