

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 8/10/2015**

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: Chief Rick Clolinger, City Clerk Juanita Aguilar, Officer Nick Paul.

Others Present: Bob Plumb, Sharon Shumaker, Ron Schultz, Elaine Tucker, Terry O'Brien, Connie King, Troy Medore, Wanda Tyler, Diane Sanders.

APPROVAL OF MINUTES

Resolution No. 150810-01

(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, July 27, 2015 to be amended and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 150810-02

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as amended, for the Regular Council Meeting of July 27, 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. 150810-03

(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 August 10, 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

K-9 Donation from Swartz Creek Women's Club

(Presentation)

GFWC members, Elaine Tucker, Terry O'Brien, Wanda Tyler, Diane Sanders & Rae Lynn Hicks, presented a check for \$1000.00 to the K-9 fund. The council thanked the women's club for all their work.

Phil Phelps-49th District State Representative

(Presentation)

Phil introduced himself and thanked the council for the invite and he proceeded to update the council on some of the insights going on in Lansing. He commented that the biggest issue and reason why they are at a standstill is the road funding.

Discussion Ensued.

Rick Clolinger Appreciation Proclamation

Mayor Krueger read the Rick Clolinger Appreciation Proclamation and presented it to Chief Rick Clolinger.

K-9 PURCHASE

Resolution No. 150810-04

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro Tem Abrams

WHEREAS, the City of Swartz Creek operates a K-9 unit within the police department that is supported by the general fund; and

WHEREAS, the existing K-9 is expected to retire within six months; and

WHEREAS, the City Council finds the K-9 program to serve a public purpose and authorized the acceptance of donations to support the unit at its regular meeting on April 13, 2015; and

WHEREAS, the department has an ongoing professional service relationship with Mid-Michigan Kennels, Inc. for the provision of training and certification of the existing K-9, and the department is satisfied with the provision of such service,

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby approves the contract with Mid-Michigan Kennels, Inc. to provide a new German Shepherd Dog, specialized training, and ongoing certification as outlined in the attached "Canine Sales and Training Contract", for a price of \$10,000.

BE IT FURTHER RESOLVED, the Swartz Creek City Council hereby directs the Mayor to execute the attached contract and directs the finance director to appropriate necessary funds for this contract from the K-9 donations dedicated account for said purpose, with additional related expenses to be charged to the police department (301) as needed for ancillary officer training wages, vehicle use, and related charges.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RIFLE ACQUISITION AMENDMENT

Resolution No. 150810-05

(Carried)

Motion by Councilmember Gilbert

Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek police department, at a regular meeting on March 23, 2015, resolved to purchase two Colt LE6920 AR15 carbine, as provided by the city's firearm vendor, Michigan Police Equipment; and

WHEREAS, the fiscal year 2015 budget included the purchase of two such rifles; and

WHEREAS, the city further resolved to provide a voluntary purchasing program to its full time officers in which four officers opted to purchase the rifles from the city via an approved standard agreement and payroll deduction program; and

WHEREAS, the firearms were backordered and not received until after July 1, 2015, in fiscal year 2016; and,

WHEREAS, additional full time officers are seeking to purchase the rifles from the city via the approved agreement and payroll deduction program,

NOW, THEREFORE, BE IT RESOLVED that the city hereby amends the rifle procurement resolution to enable purchase of two Colt rifles for departmental use, at a cost of \$886 each, from the current fiscal year and further amend the budget to carry-over unspent funds from fiscal year 2015 to enable said purchase from the police equipment fund (101-301.000-976.0).

BE IT FURTHER RESOLVED that the city approves the purchase of additional rifles of the same make and cost at the request of qualifying full-time officers that enter into agreement with the city to reimburse the city for said purchase, such funds to be outlaid and reimbursed from a receivable account set up by the finance director.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

ELMS PARK CONVERSION

Resolution No. 150810-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Gilbert

WHEREAS, the city acquired the 24 acres of land currently known as Elms Park in October of 1972 with the assistance of federal Land and Water ; and

WHEREAS, the acquisition requires use of the park in perpetuity for recreational purposes and was based on a site plan, currently held by the Department of Natural Resources; and

WHEREAS, the city entered into a leasehold with a wireless communications provider for 3,600 square feet of land area in 2005; and

WHEREAS, DNR, after reviewing a request for additional grant assistance in Elms Park, notified the city that this encumbrance requires the addition of replacement park land through a process commonly referred to as "conversion"; and

WHEREAS, the city owns 2.76 acres of vacant land on the east side of the Consumers Power property, said property being connected to Elms Park via an easement held with Consumers Power; and

WHEREAS, this property is not technically part of the city's park system, but was conceptually planned for a trail and passive recreational use; and

WHEREAS, the National Park Service, acting through the DNR, has approved moving forward with the conversion of this property as outlined in the Procedures for Conversion of Grant Assistance Properties guidance sheet; and

WHEREAS, the city may still retain grant eligibility if this process is completed by November 1, 2015, making time of the essence; and

WHEREAS, the city may still offer other alternatives to this tract at a later date; and

NOW, THEREFORE BE IT RESOLVED the City of Swartz Creek hereby conceptually approves the conversion of a parcel of land referred to as parcel number 58-31-100-019 to be used as recreational property in lieu of the leasehold for wireless communications as noted on the attached maps.

BE IT FURTHER RESOLVED the council hereby directs the city manager to make available details of this conversion available to the public and to notify the public of this conversion and the ability for public comment by publication in the Swartz Creek View on or about August 27, 2015 or sooner.

BE IT FURTHER RESOLVED that city council hereby establishes a public hearing on this matter for September 28, 2015, to be held at the regular city council meeting.

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

NO: None. Motion Declared Carried.

CELL TOWER AGREEMENT LETTER

Resolution No. 150810-07

(Carried)

Motion by Councilmember Porath

Second by Councilmember Hicks

WHEREAS, the city entered into a 30 year agreement with Omnipoint Holdings, Inc., a Delaware Corporation, in December of 2005 for the purposes of leasing land at 8100 Civic Drive for the purpose of erecting and operating a wireless communication tower; and

WHEREAS, the city has provided access to the tower for placement of telecommunications equipment under the terms of the lease; and

WHEREAS, the tenant, now T-Mobile USA Tower LLC and CCTMO LLC, desire to assert a thirty extension on the lease in order to make future investments and possible co-locators more predictable and desirable; and

WHEREAS, the tenant further requests certain options and rights to expedite any such co-location addition and permitting; and

WHEREAS, the city has negotiated an additional lump-sum payment, an increase in the annual lease amount, and rent securities payable upon exercise of the aforementioned option in order to effect said changes,

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby approves the letter agreement dated July 21, 2015 as included in the city manager report and further directs the Mayor to execute said agreement.

BE IT FURTHER RESOLVED, the city manager shall endeavor to pursue completion of the Lease Amendment by tenant and deliver said amendment to the city council for final review and approval.

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

PERSONNEL POLICY REVIEW COMMITTEE EXTENSION

Resolution No. 150810-08

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Hicks

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 adopting a set of personnel policies for use by the city; and

WHEREAS, the city appointed a committee of councilmembers and staff to deliberate on the particulars relating to this set of policies on May 11, 2015; and

WHEREAS, the operational period for this committee expired at the end of July 2015; and

WHEREAS, the council desires to extend the appointment and function of this committee,

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby extends the appointments for the temporary committee, to be referred to as the "Personnel Policy Review Committee," for the purpose of reviewing and making recommendations relating to the proposed personnel policies, also known as the employee handbook.

BE IT FURTHER RESOLVED, the Personnel Policy Review Committee shall deliver such findings at the regular meeting at or before October 26, 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 Personnel Policy Review Committee shall be composed of the following individuals:

Councilmember Hicks
Councilmember Porath
Councilmember Shumaker
Michael Gildner – Counsel
Adam Zettel – Staff Member

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

MEETING OPEN TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston commented he is glad to see that we got the money for the new dog.

Councilmember Gilbert wished the Chief Happy Birthday and commented on the curb work on Miller Rd. He still believes it isn't that great of a job and commented that he believes it should have been done right.

Councilmember Hicks commented the basketball hoops at Elms Park are gone, and wants to know if a sign is posted or can a sign be posted in the playscape that when it's wet it is slippery. She also commented that it may be nice to send a thank you note for the donations made in the past for the playscape and stating that it is appreciated and still being used.

Councilmember Shumaker commented he appreciated the state representative attending the meeting. He is concerned with state highway construction, i.e. catch basins and would like a sidewalk on Morrish Rd. over the highway.

Councilmember Porath also thanked the representative for showing up at the meeting. He also responded that he is interested in the possibility of a sidewalk over the highway at Morrish Rd. He wanted to know if there was something that can be done about garbage bins being left out several days after garbage pickup.

Mayor Pro-Tem Abrams spoke about a Morrish Rd. sidewalk too. He commented that nobody seems to have time to do things right but we have time to do it over, this was in regards to comments about the construction being done by councilmember Gilbert.

Mayor Krueger wished Chief Clolinger Happy Birthday and hoped he enjoys the rest of his evening.

Adjournment

Meeting Adjourned without opposition at 8:34pm

David A. Krueger
Mayor

Juanita Aguilar, City Clerk