

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 01/25/2016**

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, Director of Public Service Tom Svrcek, Connie Eskew, Administrative Assistant

Others Present: Bob Plumb, Tommy Butler, Jim Barclay, Steve Shumaker, Sharon Shumaker, Dennis Cramer, Bud Grimes, Jim Florence, Dave Caudle, Ron Schultz, Connie King, Troy Medore, Dave Alexander, Doug Stephens, Boots Abrams.

**APPROVAL OF MINUTES**

**Resolution No. 160125-01**

**(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 11, 2016 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. 160125-02**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council approve the Agenda as presented and printed for the Regular Council Meeting of January 25, 2016, 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. 160125-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

I make the motion to accept the City Manager's report as presented and printed.

Discussion Ensued.

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

**MEETING OPENED TO THE PUBLIC**

None.

**COUNCIL BUSINESS**

**STREET FUNDING BALLOT LANGUAGE AFFIRMATION**

**Resolution No. 160125-04**

**(Carried)**

Motion by Councilmember Hicks  
Second Councilmember Porath

**WHEREAS**, the City of Swartz Creek is organized and operates as a home rule city pursuant to its charter, and under the provisions of the Home Rule Cities Act, 1909 P.A. 279, as amended, MCL 117.1, *et seq*; and

**WHEREAS**, the City of Swartz Creek, pursuant to the Michigan Constitution, Article IX, subsection 31, may levy additional taxes only with the approval of a majority of the qualified electors of the City of Swartz Creek voting thereon; and

**WHEREAS**, the City Council seeks the approval of the electors in order to generate funds for the sole purpose of constructing and repairing the public streets within the City of Swartz Creek.

**NOW, THEREFORE, BE IT RESOLVED**, that the question of whether to levy an additional 4.220 mills for the sole purpose of constructing, repairing, and improving the public streets within the City of Swartz Creek shall be submitted to the electors of the City of Swartz Creek at the next election to be held in the City on May 3, 2016, which question shall read as follows:

## SWARTZ CREEK STREET INITIATIVE BALLOT PROPOSAL

Shall the City of Swartz Creek be authorized to levy a millage of up to a maximum of 4.220 mills (\$4.22 Per \$1,000 of taxable value) for twenty (20) years, 2016-2035, inclusive, for the purpose of funding construction and interest costs for the replacement, rehabilitation, repair, and maintenance of public streets and include pavement, sidewalk, curb, gutter, shoulders, and related drainage work within the City of Swartz Creek, the estimated revenues that will be collected during the first year of this millage as authorized and levied to be \$616,000?

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan and such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of said election, the preparation and furnishing of necessary ballots, and for the conduct of such election.

Discussion Ensued.

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

## **PARK RESERVATION & WAIVER REQUEST – ART FAIR**

**Resolution No. 160125-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**WHEREAS**, the City of Swartz Creek requires park usage reservations and fees in accordance with adopted rules and regulations; and

**WHEREAS**, the Swartz Creek Area Art Guild and Swartz Creek Kiwanis Club is proposing an expanded park use reservation for Pavilion #2, the soccer fields, and the asphalt courts on August 26-27, 2016 for the purpose of holding a public art fair; and

**WHEREAS**, both groups are recognized non-profits operating in Swartz Creek that meet the requirements for an expanded use reservation; and

**WHEREAS**, the city park rules and regulations states that “fees may be waived in full if reservations by a non-profit are found to result in a public benefit directly or if proceeds from the reserved event are found to be a benefit to the city.”; and

**WHEREAS**, the City Council finds the Swartz Creek Kiwanis Club, partnered with the Swartz Creek Area Art Guild, to be a qualifying group with a qualifying activity.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the expanded use reservation of the Swartz Creek Kiwanis Club and waives all fees for the August 26-27, 2016 reservation in Elms Park.

Discussion Ensued.

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

### **INTERSECTION REPAIR BIDS**

**Resolution No. 160125-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the city is party to a scrap tire grant award from the State of Michigan Department of Environmental Quality in the amount of \$62,000 for funding street repairs and the intersections of Miller-Fairchild and Miller-Winston; and

**WHEREAS**, the City Council, finding the subsurface watermain at Winston to be compromised, has sought bids to replace this main during street work; and

**WHEREAS**, sealed bids were opened at the Paul D. Bueche Municipal Building on January 14, 2016 for all combined work, with the engineer finding the low bid by Kennedy Excavating, Inc. to be a responsible bid.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approve the low bid proposal by Kennedy Excavating, Inc. in the amount of \$289,669.25, plus a 10% contingency, for watermain replacement and street repair as outlined in the bid specifications for the intersections of Miller-Fairchild and Miller-Winston.

**BE IT FURTHER RESOLVED**, that the City Council directs the Finance Director to apportion expenses proportionate to the engineer's final determination of unit costs out of the Major Street Fund and Water Fund and further directs the City Manager to prepare and execute the necessary contracts necessary to engage the contractor.

Discussion Ensued.

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

### **CLERK APPOINTMENT & SUPERVISORS AGREEMENT AMENDMENT**

**Resolution No. 160125-07**

**(Carried)**

Motion by Councilmember Porath

Second by Mayor Pro Tem Abrams

**WHEREAS**, the current City Clerk/Finance Director has announced retirement to be effective in 2016, and;

**WHEREAS**, the City Manager recommends filling the duties of the City Clerk as soon as possible by means of promoting a member of the existing staff, thereby enabling on-the-job training by the existing Clerk/Finance Director, and;

**WHEREAS**, the City Manager has selected an appointee for the office of City Clerk and desires to have the City Council affirm the appointment and wage as required by Charter Section 4.2 for the City Clerk's duties as described by Charter Section 7.3, and;

**WHEREAS**, the City of Swartz Creek entered into a labor agreement with the Swartz Creek City Supervisor's Association on August 27, 2012, amended April 7, 2014 & October 13, 2014, for the purpose of setting terms and conditions of employment and to promote orderly and productive labor relations between the Employer and the Association, and;

**WHEREAS**, the Employer and Supervisors Association agree to amend the Agreement, Sections 3, 6, 7 & 11, including the job description for the "Clerk" in Appendix E, so as to effect this appointment.

**NOW THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council hereby affirms the promotion and appointment of Ms. Connie Eskew to the office of City Clerk, as outlined in the City Charter and the amended and restated 2012-2016 Collective Bargaining Labor Agreement between the City and the Swartz Creek Supervisor's Association, a copy of which is attached hereto.

**BE IT FURTHER RESOLVED** the City of Swartz Creek City Council hereby acknowledges the eight full time years of service, beginning August 13, 2007, contributed by Ms. Eskew with the City of Swartz Creek as it relates to the Agreement.

Discussion Ensued.

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

## **2015-2016 MID-YEAR BUDGET ADJUSTMENTS**

**Resolution No. 160125-08**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Porath

**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 2015 – 2016 Revenue and Expenditure Report through December 2015, 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 226 (Garbage), Fund 248 (Downtown Development Authority), and Fund 661 (Motor Pool), in accordance with the supplemental documentation (pages 80 to 90) attached.

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

NO: None. Motion Declared Carried.

## **BRIDGE INSPECTION PROPOSAL**

**Resolution No. 160125-09**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of major streets, including two bridges, and

**WHEREAS**, the Federal Highway Administration requires inspection of these bridges by a certified professional once every two years, and

**WHEREAS**, Rowe Professional Services Company is a qualified engineer of the city and has completed these inspections previously for \$400 each, and

**WHEREAS**, Rowe has agreed to offer the same pricing as before for inspections required in 2016 and 2017.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approves the bridge inspection proposal by ROWE Professional Services Company, dated January 11, 2016.

**BE IT FURTHER RESOLVED**, that the City Council directs the Mayor to execute said proposal on behalf of the city and for the city finance director to appropriate such design costs to the Major Street Fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **TOT-LOT PROJECT FUNDRAISING/EVENT SERVICES**

**Resolution No. 160125-10**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City Council, with the input and guidance of the Parks and Recreation Advisory Board, approved the construction of a tot-lot play facility in Elms Park; and

**WHEREAS**, the Board has the ability to conduct fundraising, independent of the City Council; and

**WHEREAS**, the Board finds that professional services to raise a substantial amount of funds, while simultaneously conducting community events at the city parks has substantial value to the city; and

**WHEREAS**, the Board recommended that the Council approve a revised agreement with a third party for such professional services at their regular meeting on January 13, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek hereby approves the agreement for professional fundraising services as outlined in a revised proposal dated January 20, 2016 and further directs the Mayor to execute said agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

### **STREET BID PROPOSAL**

**Resolution No. 160125-11**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Pinkston

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of major and local streets, and

**WHEREAS**, the city has a 20 year asset management plan on file, and

**WHEREAS**, this plan, which includes various levels of preventative maintenance, preservation, and reconstruction on city streets, was assessed by the Street Project Review Committee at its meeting on January 15, 2016, and

**WHEREAS**, the committee recommends seeking bids for specific preventative maintenance and preservation projects, condition upon the passage of the 2016 street levy proposal, and

**WHEREAS**, such projects must be bid timely in order for construction to commence in 2016, and

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council approves the engineering proposal by ROWE Professional Services Company, dated January 19, 2016, for an amount not to exceed \$1,483 for bidding services related to Yarmy Drive and Parkridge Subdivision.

**BE IT FURTHER RESOLVED**, that the City Council directs the Mayor to execute said proposal on behalf of the city and for the city finance director to appropriate such design costs to the Local Street Fund.

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

NO: None. Motion Declared Carried.

## **S-10 VEHICLE AUCTION**

**Resolution No. 160125-12**

**(Carried)**

Motion by Councilmember Pinkston

Second by Councilmember Gilbert

**I Move** the City of Swartz Creek, finding the 1999 S-10 pickup truck to be beyond its useful life for the execution of safe and efficient duties, hereby direct and authorize the Director of Public Services to auction this vehicle and related appurtenances (listed below) by means of the Bidcorp.com service.

1. 1999 S-10 Chevy Pickup Truck, VIN #1GCCS145X1K41151, 87,000 miles.

Discussion Ensued.

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

NO: None. Motion Declared Carried

## **APPOINTMENT**

**Resolution No. 160125-13**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council affirm the nomination of the Mayor and appoint Connie King to serve on the Downtown Development Authority Board for the remainder of a term commencing immediately and expiring March 31, 2016.

Discussion Ensued.

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

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

Doug Stephens resides at 5023 Birchcrest, with Kiwanis Club and the Chairman of the Art Fair Committee, he wanted to thank the council for approving the request for a variance and will answer any questions anyone may have. He also wanted to let everyone know that the Kiwanis Club has budgeted \$1,000.00 towards the Elms Road Park.

Boots Abrams resides at 5352 Greenleaf, wanted to let everyone know that Rae Lynn has become a new grandma.

Jim Florence resides at 4296 Springbrook, wanted to clarify that the bridge/culvert on Miller Rd. discussed earlier doesn't belong to the church it belongs to Springbrook.

Adam Zettel, City Manager, introduced Connie Eskew the new City Clerk.

Connie Eskew, thanked everyone and commented she looks forward to many years with the City.

Dave Alexander resides at 5346 Greenleaf, suggested on the street language when presented to The View for any articles if we would show the monthly costs rather than the large costs over a year, he thinks the smaller price will be more impressive and likely go for the vote.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston commented he was glad to have John Gilbert back.

Councilmember Gilbert commented he was glad to be back. He is concerned about the telephone pole on Miller Road and wanted to know is there anything that can be done with it?

Tom Svrcek, Director of Public Service, responded he notified Frontier several times and was told it would be taken care of.

Councilmember Hicks inquired when the next Police Authority Meeting was taking place. Councilmember Porath responded next meeting is Wednesday, January 27<sup>th</sup> 10:00 a.m. here at City Hall. Councilmember Hicks requested he ask for night meetings.

Councilmember Shumaker asked Mr. Svrcek if he felt there was any danger with that pole swaying either to the south or north direction. Mr. Svrcek responded that he doesn't feel that it is. He commented that it is sitting right on the ground and has enough weight on it. Councilmember Shumaker mentioned since the last council meeting he made a remark about a situation about a particular parade and he has looked at the code by ordinance book and found nothing , but found that such events are relegated by the state motor vehicle for parades and that's how the basis of parade permits are issued by the city. He hopes that parade permits are done judicially so not to be alarming people.

Councilmember Porath commented in regards to the overpass to Meijer's and wanted to know if we can get an extension or walkway. He is concerned that someone is going to get hurt. Adam Zettel, City Manager responded that the bridge isn't scheduled for work for 10-15 years. When we first addressed the notion of a candelier widening they responded that there wasn't enough height between I-69 and the bottom of bridge. Councilmember Porath believes it is a public safety problem. Mr. Zettel wanted to update everyone that the county is working on creating a signal plan and agreement for Bristol & Morrish.

Councilmember Shumaker asked in regards to the turn signal at Bristol & Morrish if there was a plan or recommendation from Road Commission for what hours will the turn signal effect. Mr. Zettel, City Manager responded that Genesee County performed a study and is going to use in-house engineering standards and practices to determine the signal timing for that interchange. They indicated to us that there is only 2-3 signals with the county that are 24/7 with sequence. They have flashing sequence during 11 p.m. to 6 a.m. or whatever that timing maybe and he expects to see that there.

Mayor Pro Tem Abrams, questioned if the sign at Taco Bell was going to be a community sign. Mr. Zettel, City Manager responded that he has not gotten an update from parties involved. O'Reilly's and Family Farm & Home are working together trying to get space on sign.

Mayor Krueger read regarding the self- driving automobiles that what is really driving that technological move is the trucking industry.

Tom Svrcek, Director of Public Service commented that there are three vehicles out throughout the country that are self-driving, and it's possible that this could move along a lot faster than we could even imagine.

## **Adjournment**

**Resolution No. 160125-14**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:14 pm.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Juanita Aguilar, City Clerk**