

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 07/25/2016**

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: Florence, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: Abrams.

Staff Present: City Manager Adam Zettel, City Clerk Connie Eskew, Director of Public Service Tom Svrcek, City Attorney Mike Gildner.

Others Present: Tommy Butler, Jim Barclay, Steve Shumaker, Sharon Shumaker, Bob Plumb, Dennis Cramer, Lania Roche, Ron Schultz, David Kunz, Michael Diericks, Marcia Pavkovich, Lou Fleury.

EXCUSE MAYOR PRO TEM ABRAMS

Resolutions No. 160725-01

(Carried)

I Move the Swartz Creek City council excuse Mayor Pro Tem Abrams.

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

NO: None. Motion Declared Carried.

APPROVAL OF MINUTES

Resolutions No. 160725-02

(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 11, 2016 to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 160725-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented, printed and amended for the Regular Council Meeting of July 25, 2016, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 160725-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of July 25, 2016, including reports, communications and discussions about water tower, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC:

David Kunz, resides at 9351 Chesterfield, owner of Centerpieceplaza.Com, LLC, 8048 Miller Rd., opposed agenda item 8E.

Michael Diericks, business owner of Swartz Creek Computer, asked the council if they would consider an ordinance in regards to marijuana smoking in multi-use commercial properties.

PARK IMPROVEMENT BID APPROVAL

Resolution No. 160725-05

(Failed)

Motion by Councilmember Gilbert
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek owns operates and maintains a system of parks in the community, including grounds, facilities, and equipment; and

WHEREAS, at the recommendation of the Parks and Recreation Advisory Board, the City Council directed the city manager to apply for a Recreation Passport Grant to fund renovations and improvements at Elms Park; and

WHEREAS, city staff, with technical assistance from Rowe Professional Services Company, created a scope of work and grant applicant to the State of Michigan Department of Natural Resources for said grant; with DNR approval of the city's request occurring in December of 2015; and

WHEREAS, the city desires to bid and construct said improvements as quickly as possible; and

WHEREAS, the city accepted the terms of the Agreement as received from the Michigan Department of Natural Resources by resolution on January 11, 2016 and subsequently received approval from the DNR to bid the bathroom renovation improvements related to this grant project and

WHEREAS, in accordance with the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-402, as well as DNR bidding requirements, the city solicited sealed bids for this project; and

WHEREAS, the city received one valid and qualified bid.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the low bid of \$69,870 for completion of the Elms Park renovations as specified by the city's engineer and approved by the Michigan Department of Natural Resources, said bid submitted by Oak Construction Corporation, such expenses to be apportioned and expensed from the Elms Park Project Fund and submitted for reimbursement to the DNR.

BE IT FURTHER RESOLVED that the City Council hereby directs the city manager to submit necessary documents to the DNR for final approval of this project component and further directs the manager to execute any and all agreements, contracts, pay authorizations, and related documents necessary to carry out restoration of the bathrooms under the terms of the Recreation Passport Grant and engineer's contract.

Discussion Ensued.

YES: None.

NO: Pinkston, Porath, Florence, Gilbert, Hicks, Krueger.
Motion Declared Failed.

SUPERVISORS AGREEMENT APPROVAL

Resolution No. 160725-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Florence

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 & January 25, 2016, 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 effective Supervisors Agreement expired on June 30, 2016, and;

WHEREAS, the current Finance Director has announced retirement to be effective on or before June 30, 2017, and;

WHEREAS, the Employer and Supervisors Association negotiated a tentative agreement that will continue relations with the implementation of a new agreement.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council hereby approves the amended and restated 2016-2017 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 approves the Retirement Agreement for Finance Director-Office Manager Aguilar and hereby makes said agreement an exhibit to the collective bargaining agreement.

Discussion Ensued.

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

2017 STREET PROJECTS BID PROPOSAL

Resolution No. 160725-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hicks

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

WHEREAS, the city has a twenty year asset management plan on file that is funded in part by a twenty year street levy, and

WHEREAS, this plan, which includes various levels of preventative maintenance, preservation, and reconstruction on city streets, as well as water main replacement, was assessed by the Street Project Selection Committee at its meeting on July 12, 2016, and

WHEREAS, the committee recommends seeking bids for specific preventative maintenance, preservation, and reconstruction projects for completion in 2017 (year two), as well as subsequent projects for future years, and

WHEREAS, such projects must be bid timely in order for construction to commence in 2017 with optimal pricing, and

WHEREAS, the committee, in response to public demand and in the best financial interest of the city, recommends the borrowing of funds to enable accelerated reconstruction of streets, and

WHEREAS, the State of Michigan offers a loan program with an expected interest rate of 2.5% and little or no underwriting charge, said costs being found to be offset by the anticipated inflationary and maintenance costs expected from any delay of street replacement.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council affirms the recommendation of the Street Project Selection Committee to commence engineering work and bidding for the following streets and water main:

<u>Street</u>	<u>Repair Type</u>	<u>Est. Construction Cost</u>
Worcester	Reconstruct	\$770,000
Chesterfield Drive	Reconstruct	\$650,000
Abbey Lane	Preservation	\$300,000
Ingalls	Preservation	\$300,000
Brady	Maintenance	\$10,000
McLain	Maintenance	\$20,000
1 st Street	Maintenance	\$10,000
2 nd Street	Maintenance	\$10,000
3rd Street	Maintenance	\$10,000
Ford Street	Maintenance	\$10,000
Wade Street	Maintenance	\$20,000
Jennie Lane	Maintenance	\$20,000
Seymour (north) Road	Maintenance	\$25,000
Holland Drive	Maintenance	\$10,000
Hayes Street	Maintenance	\$10,000
	Total:	\$2,175,000

<u>Water Main</u>	<u>Repair Type</u>	<u>Est. Cost</u>
Worcester	Replace	\$596,000
Chesterfield Drive	Replace	\$450,000
	Total:	\$1,046,000

BE IT FURTHER RESOLVED, that the City Council approves the engineering proposal by ROWE Professional Services Company, dated July 20, 2016, for an amount not to exceed \$110,338 for design and bidding services related to the above projects, with appropriations to be made to Fund 101 (General), Fund 202

(Major Streets), Fund 203 (Local Streets), Fund 204 (Municipal Streets) and Fund 590 (Water) as directed by the finance director.

BE IT FURTHER RESOLVED, that the City Council approves and allocates an additional \$10,000 for field work costs related to 2018 projects, with appropriations to be made to Fund 202 (Major Streets), Fund 203 (Local Streets), Fund 204 (Municipal Streets) and Fund 590 (Water) as directed by the finance director.

BE IT FURTHER RESOLVED, that the City Council directs the Mayor to execute said engineering proposal on behalf of the city.

BE IT FURTHER RESOLVED, that the City Council directs the city manager to pursue financing in the amount of \$1,600,000 from the State of Michigan Department of Transportation State Infrastructure Bank (SIB) Loan Program to defray costs of the street and water main projects, with final approval of any such loan to be approved by the city council.

Discussion Ensued.

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

WATER TOWER BID PROPOSAL

Resolution No. 160725-08

(Carried)

Motion by Councilmember Florence
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek owns, operates, and maintains a system of a water distribution system, including a 300,000 gallon Toro Ellipse Elevated Water Tower, and

WHEREAS, the water tower, though structurally sound, is physically disconnected from the water distribution system, and

WHEREAS, the water tower houses a wireless network provider and there is additional demonstrated interest to house wireless cellular carriers, and

WHEREAS, the water tower may yet be reconnected to the city and/or county water system to assist with the maintenance of pressures and/or provision of emergency water supplies in the future, and

WHEREAS, alternate uses for the structure may also be advisable or desirable, and

WHEREAS, painting of the structure is highly advisable for protective and aesthetic purposes if the tower is not to be removed in the foreseeable future.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the engineering proposal by Dixon Engineering and Inspection Services, dated July 12, 2016, for an amount not to exceed \$3,000 for bidding services related to painting the water tower.

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 costs to the Water Fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MTT APPRAISAL APPROPRIATION (Centerpiece Plaza)

Resolution No. 160725-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

I Move the City of Swartz Creek amend the budget to allocate \$4,500 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeals by CenterpiecePlaza.com, LLC, for real property identified as 58-35-576-039 & 58-35-576-040, costs to include an appraisal, legal services, and other related expenses to be provided by the city's legal counsel and an appraisal firm, Cook, Pray, Rexroth & Associates, as selected by the city manager with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

Discussion Ensued.

Break -9 minute recess. (8:17-8:26 p.m.)

YES: Gilbert, Hicks, Krueger, Porath, Florence.

NO: None.

ABSTAIN: Pinkston. Motion Declared Carried.

FIRE SERVICES AGREEMENT, CLAYTON TOWNSHIP

Resolution No. 160725-10

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the City and the Township have, for many years, jointly provided fire protection services to their geographical areas; and

WHEREAS, the joint provision of such fire protection services was covered by a written Agreement; and

WHEREAS, the current Agreement between the City and the Township extends through November 1, 2016 but both the City and the Township desire to affirm terms for the provision of fire protection services prior to the commencement of budgetary processes for fiscal year 2017; and

WHEREAS, the Michigan Urban Cooperation Act of 1967, 1967 PA 7 (Ex Sess) [MCL 124.501 et seq] (“UCA”) authorizes two (2) Municipalities to enter into an interlocal Agreement by which they agree to exercise jointly “any power, privilege, or authority that the agencies share in common and that each might exercise separately;” and

WHEREAS, Section 7 of the UCA [MCL 124.507] provides that such an interlocal Agreement “may provide for a separate legal or administrative entity to administer or execute the Agreement which may be a Commission, Board or Council constituted pursuant to the Agreement,” and that such administrative entity “shall be a Public Body, Corporate or Politic for the purposes of this act;” and

WHEREAS, the City and the Township share in common the power and authority to establish and maintain a Fire Department and provide fire protection services; and

WHEREAS, as empowered to do so by the UCA, the City and the Township wish to continue to jointly provide fire protection services and operate a Fire Department to serve the City and the Township and to do so under the terms and conditions of this Agreement;

NOW, THEREFORE, the City of Swartz Creek City Council hereby approves the Amended and Restated 2016-2019 Fire Department Agreement as included and filed with the July 25, 2016 city council packet, said agreement to commence on November 2, 2016 and terminate at midnight on November 1, 2019.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC

No comments.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston commented about the slip and slide fundraiser on Saturday July 23, 2016 was a good time.

Councilmember Hicks also responded about the slip and slide and the use of facebook for the advertising of it. She also wanted to thank all the volunteers.

Mr. Zettel responded he wanted to thank Mr. Barclay.

Councilmember Florence commented on all the pokemon activity at city hall and thanked Mr. Barclay for volunteering at the slip and slide fundraiser.

Councilmember Porath commented on the marijuana smoking in commercial multi-use buildings.

Mayor Krueger commented that the street improvements will make it a more attractive place for our residents to live.

Adjournment

Resolution No. 160725-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Florence

I Move the Swartz Creek City Council adjourn the regular meeting at 8:39 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk