

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 09/12/2016**

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.

Councilmembers Absent: Florence.

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

Others Present: Tommy Butler, Steve Shumaker, Sharon Shumaker, Bob Plumb, Dennis Cramer, Lania Rocha, Jim Barclay, Steven Long, Boots Abrams, Ron Schultz, Betty Binder, Jack Wheatley, Doug Stephens, Andy Harris, Todd Beedy, Jim Thompson.

**Excuse Councilmember Florence**

**Resolutions No. 160912-01**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**I Move** the Swartz Creek City council excuse Councilmember Florence.

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

**APPROVAL OF MINUTES**

**Resolutions No. 160912-02**

**(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 August 22, 2016 to be circulated and placed on file.

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

## **APPROVAL OF AGENDA**

### **Resolution No. 160912-03**

**(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 September 12, 2016, to be circulated and placed on file.

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

## **City Manager's Report**

### **Resolution No. 160912-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of September 12, 2016, including reports and communications to be circulated and placed on file.

Discussion took place.

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

## **MEETING OPENED TO THE PUBLIC:**

Betty Binder, resident at 8079 Bristol Road, invited everyone to the Vietnam Veterans of America 175 is putting on a POW-MIA flag retirement Friday at 7:00 p.m. at Blue Bell Beach.

Steve Shumaker, resident at 7446 Country Meadow Drive, commented about councilmember Pinkston being liason for the Gaines Twp. Master plan. He also commented on the assessor contract. He asked the council to put some procedures in place for consistency in attending dignitary funerals.

Dennis Cramer, resident at 5299 Worchester Drive, commented on the trail system and how it effects the Masonic Lodge. He mentioned that there is a tree branch that needs removed on Worchester Drive. He was asked by Mike Diericks Swartz Creek Computers, to pass along the concept of using the ITT tech building for a future city tech college.

Doug Stephens, Chairman of Art in the Park, wanted to thank everyone for all the help with sponsoring the program. We raised over \$10,000 between the three groups, Kiwanis Club, Womens Club and the Art Guild. They are thinking about a two day show instead of a one day show for next year and asked the council to take that into consideration.

Jim Thompson resident at 8196 Miller Road, wanted to thank everyone for supporting the venture of Art in the Park.

## **TRAIL SCHEMATIC ENGINEERING**

**Resolution No. 160912-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek Master Plan, as well as the Parks and Recreation Plan, encourage the establishment and expansion of a non-motorized trail system within the city that will connect to the Genesee Valley Trail at Dye Road; and

**WHEREAS**, the city intends to seek funding support from the Michigan Department of Transportation, The Michigan Department of Natural Resources, other local agencies, and general fundraising to support the construction of such trails; and

**WHEREAS**, schematic engineering is a useful and necessary component to illustrate routes, establish construction costs, and garner interest in the non-motorized trail network; and

**WHEREAS**, OHM Advisors provided low bids to the Genesee County Metropolitan Planning Commission for services related to the creation of schematic engineering; and

**WHEREAS**, OHM, who was approved by the city via the Qualified Bidding Selection Process, submitted pricing to the city for schematic engineer for three proposed trail segments in the city; and

**WHEREAS**, the City Council has an obligation to spend 1% of Act51 street monies on non-motorized transportation, and amount equal to about \$50,000 over ten years.

**THEREFORE, I MOVE** the City of Swartz Creek City Council approves the schematic engineering proposal submitted by OHM Advisors on August 16, 2016, funds to be paid from Fund 202, the Major Street Fund in the amount of \$13,240.00 and further directs the Mayor to execute said proposal on behalf of the city.

Discussion took place.

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

NO: Motion Declared Carried.

**APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT, WHICH ESTABLISHED A JOINT POLICE AUTHORITY WITH THE CHARTER TOWNSHIP OF MUNDY PURSUANT TO THE MICHIGAN CONSTITUTION OF 1963, ARTICLE 7, § 28, AND THE URBAN COOPERATION ACT OF 1967, BEING ACT NO. 7 OF THE MICHIGAN PUBLIC ACTS OF 1967, EX. SESS.**

**Resolution No. 160912-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Porath

**WHEREAS**, the City of Swartz Creek (“City”) operated a police department to provide public safety to the residents and visitors to the City; and

**WHEREAS**, the Charter Township of Mundy (“Township”) operated a police department to provide public safety to the residents and visitors to the Township; and

**WHEREAS**, in September 2014, the City and Township executed an **AGREEMENT TO OVERSEE POLICE DEPARTMENT**, whereas the Township’s Police Chief would oversee the City’s Police Department; and

**WHEREAS**, the **AGREEMENT TO OVERSEE POLICE DEPARTMENT** included the officers of the City and Township being sworn in as officers of both the City and Township police departments; and

**WHEREAS**, as the City and Township explored whether it would be in the best interest of the City and Township to jointly establish a Police Authority (“Police Authority”); and

**WHEREAS**, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.*, permit governmental units to exercise jointly with other governmental units any power, privilege or authority which such governmental units share in common which each might exercise separately; and

**WHEREAS**, the City and Township are both a “public agency” as that term is defined under Act 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.* The Township and City both possess the power, privilege, and authority under State law to provide police protection to the residents and visitors to their respective municipalities; and

**WHEREAS**, the City and Township executed an Interlocal Agreement attached hereto as Exhibit A (“Agreement”) whereby establishing the Police Authority, pursuant to the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.*; and

**WHEREAS**, pursuant to Section 9.11 of the Agreement, the Agreement may be modified or amended upon written agreement of all of the parties to the Agreement and approved as provided in Act 7 by the governing bodies of the parties prior to becoming effective; and

**WHEREAS**, the parties to the Agreement desire to amend the Agreement for the limited purpose of changing the name of the police authority; and

**WHEREAS**, pursuant to Section 1.02(3) of the Agreement, proposed Amendment No. 1 to the Agreement shall be effective on the date that all of the following are satisfied:

- (i) Amendment No. 1 to the Agreement is approved and executed by the City Council of the City of Swartz Creek; and
- (ii) Amendment No. 1 to the Agreement is approved and executed by the Township Board of the Charter Township of Mundy; and
- (iii) Amendment No. 1 to the Agreement is filed with the county clerk of Genesee County, Michigan.
- (iv) Amendment No. 1 to the Agreement is filed with the Secretary of State of the State of Michigan.

**NOW, THEREFORE**, Be It Resolved that the City of Swartz Creek hereby approves Amendment No. 1 (attached hereto as Exhibit B) to the Interlocal Agreement (attached hereto as Exhibit A) and authorizes the Mayor to execute the Interlocal Agreement.

Yes: Porath, Krueger, Pinkston, Abrams, Hicks.  
No: Gilbert.

## **Street Updates**

## **Discussion**

Adam Zettel, City Manager, updated the council on street committee meetings. He mentioned the possibility of conventional means of borrowing such as bonds. The committee is also looking at issues such as width of sidewalks, the traffic circle in Winchester Village and the addition of Ingalls Street with an additional north side sidewalk. The committee should have a recommendation back to council by the 26<sup>th</sup>.

## **STREET USAGE PERMIT, ANNUAL SCHOOL HOMECOMING FOOTBALL PARADE**

### **Resolution No. 160912-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the City of Swartz Creek approve the application of the Swartz Creek Student Council to conduct their annual High School Homecoming Parade on Friday, September 30, 2016 from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Northbound to Miller  
Miller Westbound to Fairchild  
Fairchild Southbound to Middle School

Under the direction and control of the office of the Chief of Police and in accordance with the stipulations and conditions set forth in the permit and application, including the provision of proper insurance.

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

## **MEETING OPENED TO THE PUBLIC**

Tommy Butler resident at 40 Somerset Drive, commented he has better water pressure now since the main was fixed. He also commented on the Police Authority name change.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston appreciated Doug Stephens coming in tonight and his comments in regards to Art in the Park.

Councilmember Gilbert commented on the ordinance regarding political signs.

Councilmember Hicks has some questions in regards to Police Authority agreement. She also requested a park rental report for the year.

Councilmember Porath commented on the Mundy Twp. Auxiliary committee.

Mayor Pro Tem Abrams commented in regards to the Police Authority budget he would like to see implementation cost over and above assets that are expected. He also commented about the paving of west side of Winston.

Mayor Krueger commented on the police authority budget.

Mr. Zettel responded in regards to the police authority that the city council affirms participation by resolution.

## **Adjournment**

**Resolution No. 160912-08**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:42 pm.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Eskew, City Clerk**