

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 06/26/2017**

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Treasurer Deanna Korth.

Others Present: Lania Rocha, Steve Shumaker, Bob Plumb, Connie King, Troy Medore, Rosemary Gleason, Rebecca Thiell, Lou Fleury, Richard Abrams, Boots Abrams, Karan Pinkston, Faye Porath.

APPROVAL OF MINUTES

Resolution No. 170626-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday June 26, 2017, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 170626-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, presented for the Regular Council Meeting of June 26, 2017, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 170626-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of June 12, 2017, including reports and communications and verbal updates, to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Rosemary Gleason resides at 5018 Third Street, requested some type of rate change in sewer fees based on usage.

Lou Fleury, Rowe Professional Services, update on construction, water main pipe is installed and contractor now focusing on services leads. Early August road work starts and preservation work will start about same time.

Steve Shumaker resident at 7446 Country Meadow Drive, is not happy with the last fire board meeting.

Richard Abrams resident at 5352 Greenleaf Drive, has concerns with the Fire Board Review Committee and wants to make sure meetings are posted.

COUNCIL BUSINESS:

RESOLUTION TO ACQUIRE TAX REVERTED PROPERTIES FROM GENESEE COUNTY TREASURER

Resolution No. 170626-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, on June 26, 2017 at a public meeting, the Swartz Creek City Council reviewed the staff and planning commission recommendation to acquire specific parcels listed as Genesee County Treasurers' tax reverted property currently under foreclosure; and,

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the property, located on Second Street, that purpose being the prevention of blight

and neighborhood enhancement through the addition of a private or public improvement or through the transfer to a neighboring residence; and,

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the property at 5256 Don Shenk Drive, that purpose being the elimination of blight and neighborhood enhancement through the investment and repair in an existing residential structure; and,

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the properties on Heritage Blvd, that purpose being the prevention of blight and neighborhood enhancement through the addition of private investment in consultation with the homeowners association; and,

WHEREAS, the list of all such properties for which there is a public purpose includes:

Parcel Number	Address	Minimum Bid
58-01-502-036	Second Street	\$1,441.78
58-02-503-004	5256 Don Shenk Drive	\$23,388.45
58-30-651-110	3337 Heritage Blvd	\$1,204.58
58-30-651-111	3339 Heritage Blvd	\$1,204.58
Total		\$27,239.39

; and,

WHEREAS, the County Treasurers' Office requires certain conditions and stipulations relative to the acquisition of tax reverted properties by local units of government,

NOW, THEREFORE, I Move the City of Swartz Creek enter into an agreement with the Genesee County Treasurers' Office, and further, direct the Mayor Dave Krueger and City Clerk Connie Eskew to execute the agreement on behalf of the City, agreement as follows:

NOTICE TO GENESEE COUNTY TREASURER DEBORAH L. CHERRY, THE
FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO PURCHASE FORECLOSED
PROPERTY

The City of Swartz Creek hereby notifies Deborah L. Cherry, Genesee County Treasurer and Genesee County Foreclosing Governmental Unit, that it intends to purchase property described as SEE ATTACHED LISTING, also known as SEE ATTACHED LISTING, which property is located in Swartz Creek, Michigan, for a public purpose. The purchase price is \$27,239.39, which amount is the minimum bid as that term is defined in MCL 211.78m (11).

The public purpose for which the property is being purchased is:

Blight prevention and neighborhood enhancement thus advancing neighborhood stabilization.

The City of Swartz Creek agrees that this Notice will be filed with the Genesee County Register of Deeds and that the City of Swartz Creek will notify the Foreclosing Governmental

Unit at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the City of Swartz Creek understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the Genesee County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the City of Swartz Creek.

Upon the request of the Foreclosing Governmental Unit the City of Swartz Creek shall provide without cost to the Foreclosing Governmental Unit information requested regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

This election by the City of Swartz Creek is made subject to any prior right of election vested in the State of Michigan.

The City of Swartz Creek understands that neither Genesee County nor Deborah L. Cherry, either individually and/or as Genesee County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the City of Swartz Creek and will not indemnify, defend, save nor hold harmless the City of Swartz Creek from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the City of Swartz Creek because of or related to its election to purchase the property above described.

The City of Swartz Creek agrees to indemnify, defend, save and hold harmless Genesee County and Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Genesee County and/or Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Swartz Creek to purchase the property above described.

Attached to this notice is a copy of the resolution authorizing the purchase which resolution incorporates the indemnification of Genesee County and Deborah L. Cherry.

Date: _____

David A. Krueger, Mayor

Date: _____

Connie Eskew, Clerk

BE IF FURTHER RESOLVED, the cost to purchase such properties, being \$27,239.39 as well as the addition of the current year taxes, fees, and assessments, shall be appropriated to the unencumbered, unreserved General Fund (101) fund balance.

Discussion Ensued.

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

RESOLUTION TO APPOINT MEMBERS TO A FIRE AGREEMENT REVIEW COMMITTEE

Resolution No. 170626-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

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 a party to an inter local agreement with Clayton Township that provides for fire services under the operation of the Swartz Creek Area Fire Department Board; and

WHEREAS, the council and township desire to review the current inter local agreement as it relates to fire board composition, assets, termination, and other provisions.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby recognizes an inter local and temporary committee, to be referred to as the "Fire Board Agreement Review Committee," for the purpose of reviewing and making recommendations relating to the interlocal agreement.

BE IT FURTHER RESOLVED, the Committee shall deliver such findings on or before the regular meeting on October 23, 2017 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 Committee shall be composed of the following individuals:

Mayor Krueger
Councilmember Porath
Adam Zettel – Staff Member (Advisor)

Discussion Ensued.

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

RESOLUTION TO APPOINTMENT A PARK BOARD MEMBER

Resolution No. 170626-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

BE IF FURTHER RESOLVED, the City Treasurer shall be able to make application for expanded module set up and use; including taxes, miscellaneous receivables, and building should such modules be deemed necessary or desirable.

Discussion Ensued.

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

NO: Gilbert. Motion Declared Carried.

RESOLUTION TO APPROVE THE SUPERVISORS' EMPLOYMENT AGREEMENT AMENDMENT

Resolution No. 170626-08

(Carried)

Motion by Councilmember Cramer

Second by Councilmember Porath

WHEREAS, the City of Swartz Creek entered into a labor agreement with the Swartz Creek City Supervisor's Association on July 25, 2016, amended January 23, 2017, 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, 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 2017-2019 Collective Bargaining Labor Agreement between the City and the Swartz Creek Supervisor's Association, a copy of which is attached hereto.

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

NO: Gilbert. Motion Declared Carried.

RESOLUTION TO APPROVE THE CITY MANAGER'S EMPLOYMENT AGREEMENT AMENDMENT

Resolution No. 170626-09

(Carried)

Motion by Councilmember Florence

Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek City Council entered into a labor agreement with the City Manager in December of 2013 for the purpose of setting terms and conditions of employment and to promote orderly and productive labor relations between the Employer and the Manager, and;

WHEREAS, the City Manager is an at will employee with an undated agreement that includes the provision for amendments in writing, and;

WHEREAS, the City Manager is requesting the City Council amend the agreement to match provisions for new hires in the Supervisors' Agreement by eliminating defined benefit post-retirement medical benefits in lieu of a Health Care Savings Program and by offering elective increases in 401a contributions conditioned upon employee voluntary contributions to the same.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council hereby approves the Professional Services Agreement between the City Manager and the Swartz Creek City Council, a copy of which is attached hereto.

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

RESOLUTION TO APPROVE THE HELP AMERICA VOTE ACT (HAVA) GRANT AGREEMENT VOTING SYSTEM HARDWARE, FIRMWARE AND SOFTWARE

Resolution No. 170626-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the Swartz Creek City Council wishes to apply to the Michigan Secretary of State for the Help America Vote Act Grant Agreement in order to receive state appropriated and federal funding to cover the purchase of the election equipment system, the software license fee for the full ten-year contract term, and software and hardware maintenance for years one through five of the contract term; and,

WHEREAS, the purchase will be from Hart Intercivic, Inc., which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulator, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software; and,

WHEREAS, the City of Swartz Creek plans to begin implementation of the new voting system in August 2017.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek City Clerk is authorized and directed to submit this Grant Application on behalf of The City of Swartz Creek, Genesee County, on this day of June 26, 2017.

Discussion Ensued.

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

RESOLUTION TO SET THE 2017-2018 COUNCIL MEETING SCHEDULE

Resolution No. 170626-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

WHEREAS, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek,

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2017-2018 shall be held twice each month, and further, that all meetings shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2017:	Monday – 10 th Monday – 24 th
August 2017:	Monday – 14 th Monday – 28 th
September 2017:	Monday – 11 th Monday – 25 th
October 2017:	Monday – 9 th Monday – 23 rd
November 2017:	Monday – 13 th Monday – 27 th
December 2017:	Monday – 4 th (One Week Earliier) Monday – 11 th (Two Weeks Earlier)
January 2018:	Monday – 8 th Monday – 22 th
February 2018:	Monday – 12 th Monday – 26 th
March 2018:	Monday – 12 th Monday – 26 th
April 2018:	Monday – 9 th

Monday – 23rd
May 2018: Monday – 14th
Tuesday - 29th (Monday 28th is Memorial Day)
June 2018: Monday – 11th
Monday – 25th

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meeting will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Richard Abrams, 5352 Greenleaf Drive, commented on his concerns with the Fire Board. He also has been reassigned to the MTA board of directors.

Bob Plumb, 37 Somerset, Senior Citizen Center new boards members voted in are Roger Bloss as President and Bob Plumb as Vice President.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath was happy to see Mayor Pro Tem Pinkston had a successful surgery. He mentioned the council meetings not being taped the last couple meetings.

Councilmember Cramer commented great job being done on the water tower, lots of progress. He reminded everyone of the Bomb Threat & Active Shooter presentation on September 28th at the PAC @9 a.m.

Councilmember Florence commented the water tower was looking good. He also mentioned the number of accidents at the Miller/Elms intersection and the number of people running red lights at the intersection. He suggested more police monitoring at that intersection.

Councilmember Hicks mentioned the Monte Morgan dinner and the \$600 donation made to the parks from that fundraiser. The park board is working on the five year plan and is open to any suggestions. The play scape staining is still underway and asked if anyone was interested in helping. She also thanked all the volunteers that have contributed time already.

Councilmember Gilbert also commented about the Elms/Miller intersection. He also commented about the house on Miller Rd. across from Masonic Temple with dumpster and lawn needed mowing. He also isn't happy with the new Swartz Creek police station hours.

Mayor Pro Tem Pinkston commented that Hank & Don's will be having a fundraiser on August 6th for the new K9.

Mayor Krueger commented he is pleased with the progress on the streets and the work being done at the old Sunoco Station on Holland Drive.

ADJOURNMENT

Resolution No. 170626-12

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Porath

I Move the Swartz Creek City Council adjourn the regular meeting at 8:35 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk