

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 04/14/2008**

The meeting was called to order at 7:00 p.m. by Mayor Pro-Tem Christie in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Adams, Mayor Pro-Tem Christie, Hicks, Hurt, Porath, Shumaker.

Councilmembers Absent: Mayor Abrams.

Staff Present: City Manager Bueche, Assistant City Manager Zettel, City Attorney Richard Figura, City Clerk Juanita Aguilar, DPS Director Tom Svrcek.

Others Present: Lou Fleury, Tommy Butler, Bob Plumb, Jim Florence, Ron Schultz, Brent Cole, Lee Gonzales, Jack Minore, John Gilbert.

Resolution No. 080414-01

Motion by Councilmember Hurt
Second by Councilmember Shumaker

The Swartz Creek City Council excuses the absence of Mayor Abrams due to being on vacation.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker.
NO: None. Motion Declared Carried.

APPROVAL OF MINUTES

Resolution No. 080414-02

(Carried)

Motion by Councilmember Porath
Second by Councilmember Adams

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held March 24, 2008, to be circulated and placed on file.

YES: Christie, Hicks, Hurt Porath, Shumaker, Adams.

NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 0800414-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of April 14, 2008 to be circulated and placed on file.

Discussion took Place.

YES: Hicks, Hurt, Porath, Shumaker, Adams, Christie.
NO: None. Motion declared carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 080414-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of April 14, 2008, to be circulated and placed on file.

Discussion Ensued.

YES: Hurt, Porath, Shumaker, Adams, Christie, Hicks.
NO: None. Motion declared carried.

All other reports and communications were accepted and placed on file.

A new report was added to the agenda: The Smart Commute Week, presented by former State Representative Jack Minore.

MEETING OPENED TO THE PUBLIC:

Mayor Pro-Tem Christie recognized State Representative Lee Gonzales, who was present to observe.

Jack Minore, a Flint resident, spoke on behalf of the "Smart Commute" group. Mr. Minore made a short presentation about this event, which is a week set aside to encourage people to look at alternative ways of commuting to work, to shop, and so on.

COUNCIL BUSINESS:

Resolution of Support, National Bike to Work Week and Smart Commute Week

Resolution No. 080414-05

(Carried)

Motion by Councilmember Adams
Second by Councilmember Hicks

WHEREAS, in 2007, physical inactivity was projected to cost Michigan \$12.65 billion; and

WHEREAS, the Surgeon General recommends at least 30 minutes of moderate physical activity 5 days a week, but only about half of the population meets this goal; and

WHEREAS, employers bear a sizeable portion of the direct and indirect health care costs for employees in poor health, but can lower health care expenditures by encouraging employees to increase their overall fitness levels by Smart Commuting (e.g., walking and bicycling) throughout the workday; and

WHEREAS, walking, riding a bicycle, or using public transportation (i.e., smart commuting) can reduce air and water pollution to make a cleaner community, which is more livable for future generations; and

WHEREAS, communities that cultivate a walking and bicycling culture experience businesses growth, increased real-estate values, and improved overall quality of life; and

WHEREAS, the League of American Bicyclists, the League of Michigan Bicyclists, The Michigan Trails and Greenways Alliance, the Governor's Council on Physical Fitness, Genesee County Metropolitan Planning Commission, and the independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries, and fatalities for all.

NOW, THEREFORE, BE IT RESOLVED, that we the undersigned, attest to our endorsement of and proclaim May 12 through 16, 2008 as SMART COMMUTE WEEK in the City of Swartz Creek and encourage all citizens to recognize the importance of bicycle safety, physical fitness, and alternate forms of transportation and further, to notify motorists to exercise caution and awareness of cyclists on our streets and highways.

YES: Porath, Shumaker, Adams, Christie, Hicks, Hurt.

NO: None. Motion Declared Carried.

Elms Road Project, Appropriation for Construction Engineering Fees

Resolution No. 080414-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

WHEREAS, the City applied for, and was awarded funding through the Genesee County MPO Traffic Improvement Program and accepted by MDOT, for curb, gutters, drainage, crush, mill, reshaping, resurfacing, crack and joint repair of South Elms Road between the I-69 Viaduct and the North City Limit; and

WHEREAS, the Elms Road project is a Traffic Improvement Program Jobs Today Pull Ahead Project the MDOT has obliged funds for construction, such construction to be let for bid in April 2008, construction to be performed and completed in the summer of 2008; and

WHEREAS, the City bid for engineering services using the Qualification Based Selection Process and appointed the firm of ROWE, Inc., to a three year contract on June 13, 2005, as its Professional Engineering Consultant; and

WHEREAS, design plans have been drafted by the City's engineering firm, Rowe Incorporated, for the installation of curb, gutters, drainage, crush, mill, reshaping, resurfacing, crack and joint repair of South Elms Road between the I-69 Viaduct and the North City Limit, design plans having been accepted by MDOT; and

WHEREAS, total project costs are estimated as follows:

	<i>Federal & MDOT</i>	<i>City Match</i>	<i>Sub-Total</i>
Construction	\$ 581,250	\$ 331,450	\$ 912,700
Design Engineering	-0-	\$ 30,000	\$ 30,000
Const Engineering	-0-	\$ 75,000	\$ 75,000
Jobs Today Loan Interest (4%, 26 Months, \$465,000)	-0-	\$ 40,300	\$ 40,300
TOTALS	\$ 581,250	\$ 476,750	\$ 1,058,000

WHEREAS, the City's contracted engineering firm, Rowe, Incorporated has submitted a proposal for construction engineering, testing and inspection services associated with the design, a copy of the proposal attached hereto, amount of such services calculated on a time and materials basis, at \$74,968.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek accept the proposal of Rowe, Inc., and appropriate funding in the amount of \$74,968, plus 5% contingency, for all associated and necessary costs related to construction engineering, testing and inspection services, and further, authorize the Mayor and City Clerk to execute any and all Third Party Agreements that may be required by MDOT, funding to be allocated from Major Street 202 Elms Road T.I.P. Project.

Discussion Took Place.

YES: Shumaker, Adams, Christie, Hicks, Hurt, Porath.

NO: None. Motion Declared Carried.

Young Marines Volunteer Program, Elms Park Play-Scape

Resolution No. 080414-07

(Carried)

Motion by Councilmember Porath

Second by Councilmember Hurt

I Move the City of Swartz Creek permit the use of the Elms Road Park on Saturday April 26th, July 19th and August 30th. to the Genesee County Chapter of the Young Marines, without charge, and further allow for parental and chaperoned volunteer cleanup and play-scape mulch replacement, materials to be purchased and provided by the City.

Short Presentation by Bob Borka, the commanding officer for the Genesee County Young Marines.

Discussion Ensued.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker

NO: None. Motion Declared Carried.

Appropriation, Design Engineering, Morrish Road Re-Construction

Originally Resolution No. 080414-8L, changed to discussion topic.

City Manager Bueche made a brief presentation.

(Discussion Topic)

Discussion Took Place.

Elms Park Waiver Request, Swartz Creek Area Fire Department

Resolution No. 080414-08

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Adams

I Move the City of Swartz Creek approve the waiver of all fees for the use of Elms Road Park Pavilion #4 on Saturday, August 2, 2008, between 10:00 AM and 8:00 PM, for the Swartz Creek Area Fire Departments' annual Department Picnic, a governmental non for profit organization.

YES: Christie, Hicks, Hurt, Porath, Shumaker, Adams.

NO: None. Motion Declared Carried.

Labor Rate Increase, Summer Intern Program

Resolution No. 080414-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek continue the position of Summer College Intern, extending through September 2008, with added duties of assisting with the Summer Family Movie Program and the Farmer's Market, not to exceed 24 hours per week, and further, approve an hourly compensation rate of \$15.00.

Discussion Took Place.

YES: Hicks, Hurt, Porath, Shumaker, Adams, Christie.
NO: None. Motion Declared Carried.

City Phone Carrier

Resolution No. 080414-10

(Carried)

Motion by Councilmember Adams
Second by Councilmember Hurt

I Move the City of Swartz Creek authorize the City Manager to negotiate the City's phone carrier and service packages between the current telecommunications and data providers, Verizon and Comcast, and select the appropriate carrier considering cost and service quality, and further, report the selection and associated costs back to the Council.

Discussion Ensued.

YES: Hurt, Porath, Shumaker, Adams, Christie, Hicks.
NO: None. Motion Declared Carried.

Appropriation & Bid Award, Purchase Police Vehicle

Resolution No. 080414-11

(Carried)

Motion by Councilmaker Hurt
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek Purchasing Ordinance encourages the use of cooperative extended purchasing programs, and;

WHEREAS, the City of Swartz Creek desires to purchase a 2008 Dodge Charger

police package vehicle and by virtue of the size of the City, we cannot purchase such vehicles in a sufficient quantity to allow for a maximum discounted price, and;

WHEREAS, the County of Macomb has an extended cooperative purchasing program that is open for use by any governmental agency and has let for bid for the specified vehicle under their purchasing number 12-07, said bid awarded to Slingerland Chrysler – Dodge, 3640 East M-21, Corunna Michigan, base price of \$19,916.85, and;

WHEREAS, with options and delivery, the total cost of the vehicle is \$20,501.76.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek recognize Macomb County’s Extended Purchasing Program and accept the bid award of Slingerland Chrysler – Dodge, 3640 East M-21, Corunna Michigan and appropriate an amount not to exceed \$20,502 for the purchase of a 2008 Dodge Charger Police Package Vehicle, funds to be appropriated from 661 Motor Pool.

Discussion Took Place.

YES: Porath, Shumaker, Adams, Christie, Hicks, Hurt.
NO: None. Motion Declared Carried.

Appropriation & Bid Award, Fire Department Floor Drains

Resolution No. 080414-12

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hurt

I Move the City of Swartz Creek accept the low bid of Curbcoco Parking Lot Contractors, P.O. Box 70, Swartz Creek, in the amount of \$9,821.57, plus 10% contingency, for a total of \$10,804, for the repair of three floor trench drains in the Public Safety Building, Fire Department section, in accordance with the bid specifications, funds to be taken from Fund Balance #101-402, and further, authorize the City Finance Director to make all necessary budget adjustments in accomplishment of the transaction.

Discussion Ensued.

YES: Shumaker, Adams, Christie, Hicks, Hurt, Porath.
NO: None. Motion Declared Carried.

Street Use Permit, 5K Road Race, River-Bend Striders & Swartz Creek Cross Country Team

Resolution No. 080414-13

(Carried)

Motion by Councilmember Shumaker

Second by Councilmember Hurt

I Move the City of Swartz Creek approve the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, May 29, 2008, 6:30 PM – 7:30 PM, applicant: the River-Bend Striders - Swartz Creek Cross Country Team, Mr. Ron Wiens, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police.

Discussion Took Place.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker.

NO: None. Motion Declared Carried.

Set Public Hearing, 2008-2009 Fiscal Budget

Resolution No. 080414-14

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek set a Public Hearing, to be held on Monday, May 12, 2008 at 7:00 PM, at the regularly scheduled City Council Meeting, to hear public comments and needs regarding the Proposed 2008-2009 Fiscal Year Budget, and further, to make a copy of the proposed budget available at City Hall for public inspection during normal business hours, in accordance with provisions as set forth in the City Charter.

YES: Adams, Christie, Hicks, Hurt, Porath, Shumaker.

NO: None. Motion Declared Carried.

Set Special Council Meeting, 2008-2009 Fiscal Budget

There will be no special meeting. This item will be incorporated into the regular City Council Meeting on April 28, 2008.

Delinquent Payments, Water, Sewer, Mowing & Sidewalk Repair, Certification

Resolution No. 080414-15

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing & sidewalk repairs, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and state statute, said debts to be placed against the summer 2008 tax collection roll.

YES: Hicks, Hurt, Porath, Shumaker, Adams, Christie.
NO: None. Motion Declared Carried.

Budget Adjustment, D.D.A.

Resolution No. 080414-16

(Carried)

Motion by Councilmember Adams
Second by Councilmember Hurt

I Move the City of Swartz Creek concur with the DDA and approve budget amendments for the farmers market as follows:

1. Under Department 173.000, Administration, the DDA Administration recommended sum is \$1700, transferring out \$2000.
2. Under Department 728.000, Economic Development, recommended sum is \$2000, transferring out \$1000.
3. Under Department 728.001, Farmers' Market, changed from \$3000 to \$6,000.
4. All other line items to be adjusted accordingly.

YES: Hurt, Porath, Shumaker, Adams, Christie, Hicks.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Jack Minore thanked the City Council for their support on the resolution for National Bike Week.

Jim Florence talked about their computer problems and reported that Don Korth has updated all of their computer systems and there will be no more problems with SPAM mail. He stated that the senior center has tentatively locked Commissioner Lockwood into a meeting on April 30, 2008 at 10:00am. Mr. Florence stated that the senior center has appointed a "Green Team" of two trustees to look into ways of saving energy and/or money.

REMARKS BY COUNCILMEMBERS:

Councilmember Adams commented on the fire agreement. Mr. Adams stated that he wanted to make sure that the City Council does not let this agreement get through without some sort of language that binds both the City and Clayton Township, to make sure that if the Fire Department is to be cooperatively run, it will be cooperatively funded.

Councilmember Hicks talked about the MML Capital Conference that she recently attended. Ms. Hicks stated that it was very interesting to listen to the politicians. Ms. Hicks commented about a conversation that she had with one of her constituents reference the Senior Center. It was suggested that a senior night could be arranged at the library.

Councilmember Shumaker spoke about Morrish Road. He questioned whether there would be space for a bicycle path. City Manager Bueche stated that no bicycle path is in the plans at this time. Mr. Shumaker talked about the small cities meeting and the ambulance and EMS service.

Councilmember Porath talked about the recent newspaper article about the Public Library inspections. He questioned whether or not the library could be taken away from the city if it did not pass the inspection.

ADJOURNMENT:

There being no objection, Mayor Pro-Tem Christie declared the meeting adjourned at 8:24 p.m.

Jason Christie, Mayor Pro-Tem

Juanita Aguilar, City Clerk