

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 04/26/2010**

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

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, Finance Director Mary Jo Clark, Assistant City Manager Adam Zettel.

Others Present: Boots Abrams, Tommy Butler, Jim Florence, Sharon Klein, Ron Schultz.

APPROVAL OF MINUTES

Resolution No. 100426-01 **(Carried)**

Motion by Mayor Pro-Tem Porath
Second by Councilmember Binder

I Move the Swartz Creek City Council hereby approve the Minutes, as amended, for the Regular Council Meeting, held April 12, 2010, to be circulated and placed on file.

YES: Binder, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 100426-02 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as amended, for the Regular Council Meeting of April 26, 2010 to be circulated and placed on file.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Binder.
NO: None. Motion Declared Carried.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 100426-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the City Manager's Report of April 26, 2010, to be circulated and placed on file.

YES: Hurt, Krueger, Porath, Shumaker, Abrams, Binder, Hicks.
NO: None. Motion Declared Carried.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

2010-2011 Fiscal Year Budget, Set Public Hearing

Resolution No. 100426-04

(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 10, 2010 at 7:00 PM, at the regularly scheduled City Council Meeting, or as soon thereafter as can be heard, to hear public comments and needs regarding the Proposed 2010-2011 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: Krueger, Porath, Shumaker, Abrams, Binder, Hicks, Hurt.
NO: None. Motion Declared Carried.

Park Fee Waiver Request, Handicap Boy Scout Troop #117, Elms Pavilion #2

Resolution No. 100426-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hicks

I Move the City of Swartz Creek approve the use of and grant a waiver of fees for the use of Elms Road Park Pavilion #2 on Saturday, September 11, 2010, from 9:00 AM to 6:00 PM, for Handicap Boy Scout Troop #117.

YES: Porath, Shumaker, Abrams, Binder, Hicks, Hurt, Krueger.
NO: None. Motion Declared Carried.

Boards & Commissions Appointments

Resolution No. 100426-06

(Carried)

Motion by Councilmember Hurt
Second by Mayor Pro-Tem Porath

Board of Review, Re-appoint Thomas MacGillivray

I Move the City of Swartz Creek Council reappoint Thomas MacGillivray, of 5052 Fairchild Drive, to the Swartz Creek Tax Board of Review, term running from July 1, 2010, expiring June 30, 2013.

Boards & Commissions, Fire Board Swing Position, Appoint Boots Abrams

I Move the City of Swartz Creek concur with the Mayor's appointment of Boots Abrams, of 5352 Greenleaf Drive, to the Swartz Creek Area Fire Board, City Swing Position, term to run April 1, 2010 expiring March 31, 2011.

Boards & Commissions, Planning Commission, Re-Appoint Kathy Ridley

I Move the City of Swartz Creek Council concur with the Mayor's reappointment of Kathy Ridley, of 3414 South Elms Road, to the Swartz Creek Planning Commission, term running from July 1, 2010, expiring June 30, 2013.

Boards & Commissions, Planning Commission, Re-Appoint Bud Grimes

I Move the City of Swartz Creek Council concur with the Mayor's reappointment of Bud Grimes, of 5171 Oakview Drive, to the Swartz Creek Planning Commission, term running from July 1, 2010, expiring June 30, 2013.

Boards & Commissions, DDA, Appoint Theresa L. Spence

I Move the City of Swartz Creek Council concur with the Mayor's appointment of Teresa L. Spence, of 11401 Miller Gaines, to the Swartz Creek Downtown Development Authority, appointment to fill the balance of the term vacated by the resignation of Richard Mattson, term expiring March 31, 2012.

Boards & Commissions, DDA, Re-Appoint Rodney Gardner

I Move the City of Swartz Creek Council concur with the Mayor’s re-appointment of Rodney Gardner, of 5024 Brady Street, to the Swartz Creek Downtown Development Authority, term running from April 1, 2010, expiring March 31, 2014.

Boards & Commissions, DDA, Re-Appoint Cliff Hull

I Move the City of Swartz Creek Council concur with the Mayor’s re-appointment of Cliff Hull, of 6200 West Reid Road, to the Swartz Creek Downtown Development Authority, term running from April 1, 2010, expiring March 31, 2014.

Discussion Ensued.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger, Porath.
NO: None. Motion Declared Carried.

Award Bid & Appropriation, EECBG HVAC GRANT

Resolution No. 100426-07

(Carried)

WHEREAS, the City of Swartz Creek received an Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$50,861.00 to fund the replacement of the HVAC system in the public safety building; and

WHEREAS, the State of Michigan required the City to enter into agreement in order to commence with work and payment towards the project; and

WHEREAS, the agreement, as well as City purchasing policies, requires a competitive bid process for this project; and

WHEREAS, the project was designed, specifications set, advertised for bids with returns on April 21, 2010; and

WHEREAS, the low bid by Al Kallas of Swartz Creek, in the amount of \$29,864 was disqualified because of the inclusion of a substantial and unapproved deviation from the bid specifications related to the VVT system; and

WHEREAS, the second lowest bidder, being Garno Brothers of Swartz Creek, submitted a return in the amount of \$36,934, and in review, the bid was determined to be consistent with the specifications as set forth by the City.

NOW, THEREFORE, I Move the City of Swartz Creek hereby approve the next lowest bid by Garno Brothers Heating & Cooling, in the amount of \$36,934 plus a 10% contingency and further direct City Staff to enter into a contractor’s agreement with Garno Brothers Heating & Cooling, and further, direct the staff to make any and all necessary book entries and submission of required documents and paperwork for the appropriation of funds and submission for re-imbursements from EECBG.

Motion by Councilmember Porath
Second by Councilmember Hurt

Discussion Took Place.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.
NO: None. Motion Declared Carried.

Farmers Market Master/DDA Position

Resolution No. 100426-08A

(Amended)

Motion by Councilmember Hicks
Second by Councilmember Shumaker

I Move the City Council approve the position for Mr. Mattson through the Downtown Development Authority.

Discussion Took Place

Resolution No. 100426-08B

(Carried)

Motion by Councilmember Krueger
Second By Councilmember Shumaker

I Move the City of Swartz Creek approve a position of \$15.00 an hour with a maximum of 12 hours a week for the entire 2010 market season, paid out of the Downtown Development Authority budget.

YES: Hicks, Krueger, Porath, Shumaker, Abrams, Binder.
No: Hurt

MEETING OPENED TO THE PUBLIC

Boots Abrams commented that she was glad to be appointed.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt spoke about the motion for the position, glad it went through but felt he had to make a point. Councilmember Binder reminded everyone to vote Tuesday, May 4th. Councilmember Hicks wanted to thank all for the work on the budget.

Councilmember Shumaker spoke about the zoning of single family housing and with the economy the possibility of multiple families living together. Mr. Shumaker questioned if

anyone was aware of the work by Verizon on Miller Rd. Mr. Tom Svrcek commented that they are doing an upgrade. Mr. Shumaker wanted to know where we stand on auctioning off city equipment. Mr. Paul Bueche commented that nothing has been setup yet and that he is not sure if we want to hire a company or man an auction ourselves, but probably wouldn't do anything till Fall. Mr. Shumaker wanted to know if there is or will there be a drawing available to public for adding a separate meter to their property. Mr. Bueche & Mr. Svrcek commented on not having all the information together and that they are having difficulty with getting all the cost information needed.

Councilmember Krueger thanked the City for the upgraded laptops.

Mayor Pro-Tem Porath wanted to express that he was glad to have Boots Abrams back out of retirement.

Mayor Abrams announced to the council that he had the privilege to perform a wedding for councilmember Shumaker and Sharon Klein and wanted to congratulate them.

Adjournment

Resolution No. 100426-098

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn council meeting at 9:01 p.m.

YES: Unanimous Voice Vote.
NO: None. Motion declared carried.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk