

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 08/09/2010**

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, Shumaker.

Councilmembers Absent: Porath.

Staff Present: City Manager Paul Bueche, Deputy City Clerk Mary Jo Clark, DPS Director Tom Svrvek, Jack Wheatly of ROWE.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Ron Schultz.

APPROVAL OF MINUTES

Resolution No. 100809-01

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, as amended, held July 28, 2010, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 100809-02

(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 August 9, 2010 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 100809-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of August 9, 2010, to be circulated and placed on file.

YES: Hurt, Krueger, 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:

Tommy Butler, 40 Somerset, spoke about the new newspaper, the Swartz Creek View, that has been circulated. Mr. Butler stated that he feels that the paper is a very valuable piece of communication and he hopes that it continues on.

COUNCIL BUSINESS:

Appropriation & Bid Award, Local Street Cape Seal Project & Associated Storm Drain Repairs

Resolution No. 100809-04

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

WHEREAS, the City is in need of extensive repairs to its local street system in which the sole source for funding is State of Michigan Act 51 gas and weight distributions; and

WHEREAS, such revenues are insufficient for any extensive repairs and sustain only routine maintenance such as snow and ice removal and cold patch filling; and

WHEREAS, the City has been successful over the last six years in reserving a small amount of funds totaling \$160,000 towards repairs, however, such savings fall far short of the estimated \$5 million plus it would take to bring the City's local street system into reasonable repair; and

WHEREAS, the City staff and consulting engineers have evaluated the local street system and determined that given the insufficient amount of funds, that the best value for the investment would be to work to prolong the life of streets that have not deteriorated to the point of re-construction; and

WHEREAS, the City has sent citizen questionnaires and discussed options at public meetings, concluding that although the citizens desire their streets to be in good repair, they are generally unwilling to support a levy or pay assessments through a special assessment district; and

WHEREAS, the City’s staff and consulting engineers recommend the best value for the funds in reserve are the mill and re-surface of Jennie Lane from Bristol to Yarmy and the use of a process called “Cape Seal, wherein some structure and storm drain repair work is done along with a micro slurry overlay on streets with relatively low deterioration; and

WHEREAS, the City bid, awarded and completed the mill and resurface of Jennie Lane, with the low bid for the work being \$116,035 with construction engineering cost of \$7,920; and

WHEREAS, the City, under separate specifications, bid the Cape Seal process, inclusive of some minor crack repair and the repair of storm drain structures on the targeted streets, as follows:

Swartz Creek Local Streets Preventative Maintenance						
Street	Description	Category	Length	Width	Area	PASER
1st Street	End of Street to Miller Road	Local	529	23	1352	4
2nd Street	End of Street to Miller Road	Local	524	23	1339	4
3rd Street	End of Street to Miller Road	Local	530	23	1354	4
Brady Avenue	Ingalls Street to Miller Road	Local	402	22	983	5
Church Street	Morrish Road to Frederick Street	Local	508	23	1298	5
Ford Street	Ingalls Street to Miller Road	Local	433	23	1107	5
Frederick Street	Miller Road to Church Street	Local	348	23	889	4
Frederick Street	Church Street to Mason Street	Local	346	23	884	4
Hayes Street	Ingalls Street to Miller Road	Local	407	23	1040	5
Holland Street	Ingalls Street to Miller Road	Local	345	38	1457	5
McLain Street	Ingalls Street to Miller Road	Local	595	29	1917	4
Wade Street	Morrish Road to 1st Street	Local	465	23	1188	5
Wade Street	1st Street to 2nd Street	Local	324	22	792	5
Wade Street	2nd Street to 3rd Street	Local	322	23	823	4

WHEREAS, the City staff and consulting engineers have inspected damage to the local street system and determined that in part, deterioration of the structures can be attributed to sustained exposure to heavy vehicles, in particular during the freeze thaw period in the spring, such overweight vehicle exposure recognized to be the City’s contracted weekly garbage collection services: and

WHEREAS, the City’s consulting engineer and City Staff have documented such damage and calculated the outside three feet of each lane, approximately 30%, have sustained attributed damage; and

WHEREAS, it is reasonable to subrogate funds from within the garbage collection 226 fund to assist in the repair of such damage.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek accept the low bid of Highway Maintenance & Construction Company of Romulus Michigan, in the amount of \$101,547, in accordance with the bid specifications as set forth and offered for bid by the City’s engineering consulting firm, Rowe Professional Services Inc, and further, appoint Rowe Professional Services Inc. to perform construction engineering and testing services at a cost of \$1,980, total project cost of \$103,527.

BE IT FURTHER RESOLVED, that the City of Swartz Creek accept the low bid of Lang Construction of Flint Michigan, in the amount of \$8,523, for the repair of associated storm drain structures, in accordance with the bid specifications as set forth and offered for bid by the City's engineering consulting firm, Rowe Professional Services Inc., cost distribution as follows:

	<i>Total Project Cost</i>	<i>101 Fund</i>	<i>203 Fund</i>	<i>226 Fund</i>
<i>Cape Seal</i>	\$112,500	\$8,743	\$70,000	\$33,757

Discussion Took Place.

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

Appropriation & Bid Award, Water Main Break Street Repairs

Resolution No. 100809-05

(Carried)

Motion by Councilmember Hurt
 Second by Councilmember Krueger

WHEREAS, the City of Swartz Creek owns and operates a municipal water distribution system, some of the transmission lines located beneath City streets; and

WHEREAS, periodic watermain breaks occurring in areas where such mains are beneath city streets have caused damage to the streets; and

WHEREAS, the City staff and consulting engineer have identified the locations of watermain break damages and set repair specifications, locations as follows: Seymour & Miller, Seymour & Oakview, Winshall & Cappy, Fairchild Street (several locations), School & Ingalls, Hayes & Miller, Miller west of Dye (several locations), Miller & CNA Crossing; and

WHEREAS, the locations and specifications were package bid in conjunction with the Local Street Cape Seal Storm Drain Repair Project, the overall low bidder being Lang Construction of Flint Michigan, in the amount of \$11,255.

NOW, THEREFORE, I Move the City of Swartz Creek approve and award the bid to Lang Construction of Flint Michigan, and appropriate an amount not to exceed \$11,255 plus 10% contingency from the Water Fund, for the repair of damage caused by watermain breaks to Seymour & Miller, Seymour & Oakview, Winshall & Cappy, Fairchild Street (several locations), School & Ingalls, Hayes & Miller, Miller wet of Dye (several locations), Miller & CNA Crossing, in accordance with specifications set forth by the Staff and City Engineer.

Discussion Ensued.

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

Appropriation – Extend Bid, Street Repairs, Morrish & Eastbound I-69 Ramps

Resolution No. 100809-06

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek designed, bid and awarded a reconstruction project of Morrish Road to Zito Construction, the project parameters extending from I-69 to north of Bristol, inclusive of the intersection and east and west there from, the project funded by a mixture of sources being FHA, MDOT and contributions from Meijer Incorporated; and

WHEREAS, the work commenced in early June with a completion date scheduled in early September; and

WHEREAS, in the original design and bid package, the City did not include a section in need of repair on Morrish Road south of the I-69 overpass, at the eastbound entrance/exit ramps, reason being that the developer declined contribution to the repair and/or reconstruction of this area, due to site benefit considerations; and

WHEREAS, the City Staff and consulting Engineers have determined that this area is in need of repair and has explored options from total re-construction to no action, and based on cost benefit, recommends a repair plan for 800 square yards consisting of crack and joint repair, mill and resurface with 2” HMA overlay and re-striping; and

WHEREAS, the contractor is willing to extend awarded bid pricing from the Morrish North participating and non-participating intersection projects, calculations for such repairs totaling \$25,895, quantities as follow:

CITY OF SWARTZ CREEK				
I-69 Pavement Repair				
PRELIMINARY COST ESTIMATE				
29-Jul-10				
				
Description: Concrete crack repair and 2" pavement overlay for 800 syd of Morrish Road at I-69				
WORK DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
Detail & Crack Repair	250	LFT	15.00	3750.00
Hand Patching	40	TON	195.00	7800.00
Cold Mill existing shoulders	320	SQD	8.00	2560.00
Butt Joints	50	SQD	12.00	600.00
2" HMA Overlay	130	TON	62.50	8125.00
Pavement Marking	1	LSUM	1160.00	1160.00
Traffic Control	1	LSUM	1900.00	1900.00
TOTAL				25,895.00

Bid Submitted By Zito Construction

WHEREAS, the City finds that the repairs are warranted and the staff recommendation is compliant with the City's purchasing ordinance and such repairs cost effective.

NOW, THEREFORE, I Move the City of Swartz Creek approve the bid extension for the repair of Morrish Road, south of the I-69 overpass at the eastbound entrance/exit ramp and entrance to Sports Creek Raceway, in accordance with the specifications set forth by the City Staff and consulting engineer, and appropriate an amount not to exceed \$25,895 plus 10% contingency, from 202 Major Street Fund, and further, authorize the execution of required documents in the accomplishment thereof.

Discussion Took Place.

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

Consumer Energy Street Light Contract Addendum

Resolution No. 100809-07

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Binder

I Move the City of Swartz Creek approve an addendum to the City's Street Lighting Contract with Consumers Energy, dated January 1, 1973, allowing for the removal, of the existing light and the replacement and relocation of one (1) overhead street light from the east side of the intersection of Westbound I-69 Ramps at Morrish Road to the northwest corner, in accordance with the specifications submitted by Consumer Energy. Further, the Council directs the Mayor and City Clerk to execute the addendum on behalf of the City.

Discussion Ensued.

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

Springbrook East Special Assessment Request

Resolution No. 100809-08

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek is in receipt of a request from the Springbrook East Association asking for the creation of a Special Assessment District for the repair and completion of a yet to be determined number of streets within the

condominium association; and

WHEREAS, the request is the result of a majority vote of the Springbrook East Condominium Association held on Tuesday July 20, 2010, and after a of a series of meetings between the City Staff and consulting engineers, the Association Board and General Association Membership; and

WHEREAS, in accordance with the authority set forth in State Statute, the City's Charter and Special Assessment Ordinance, the Council finds sufficient cause to further examine the request and proceed forward with a Council directive to the City Staff to prepare all necessary documents, reports and recommendations and to bring such findings back to the City Council for review and decision.

NOW, THEREFORE, I Move that the City of Swartz Creek Council, in accordance with City Ordinance, Chapter 14, Section 14-3, direct the City Manager to prepare all necessary documents, reports and recommendations and to bring such findings back to the City Council for examination, review and decision.

Discussion Took Place.

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

Fire Budget

(Discussion Topic)

City Manager Bueche gave a brief update on the Fire Budget, including a request from the fire chief for an equipment levy which would double the fire budget.

Discussion Ensued.

Labor Staffing

City Manager Bueche spoke about the letter of resignation from Assistant City Manager Adam Zettel, who will be leaving the employment of the City September 6, 2010.

Resolution No. 100809-09

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the Swartz Creek City Council accept, with regret, the resignation of Assistant City Manager Adam Zettel, with best wishes for his future.

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

MEETING OPENED TO THE PUBLIC

Boots Abrams spoke about the Women’s Club bike-a-thon coming up.

Tommy Butler, 40 Somerset, questioned an ambulance that came into Swartz Creek Estates. Mr. Butler stated that the ambulance had “Genesee County Ambulance” on it. Mr. Butler questioned why the ambulance would be in the park. Mr. Butler asked who the fire chief actually works for; Swartz Creek or Clayton Township. He was advised that the fire chief is an employee of the Fire Board.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker stated that about a week ago he received calls from two of his neighbors in reference to a 24’ camping trailer parked on a public street all night two nights in a row on Yarmy Drive. Mr. Shumaker stated that he received more calls this past weekend for the same thing. Mr. Shumaker stated that originally he called it into the zoning administrator and the second time to the police department. Mr. Bueche stated that he would look into it.

Councilmember Binder reminded everyone about a benefit for the Veteran’s Memorial on Sunday, August 15th at 1:00pm at Scooters on Torrey Road.

Adjournment

Resolution No. 100809-10

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:25 p.m.

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

Richard Abrams, Mayor

Mary Jo Clark, Deputy Clerk