

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 12/08/2008**

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: Mayor Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Bueche, City Attorney Mike Gildner, City Clerk Juanita Aguilar, Tom Svrcek.

Others Present: Boots Abrams, Bob Plumb, Tommy Butler, Jim Florence, John Gilbert, Roger Bloss, Brent Cole.

APPROVAL OF MINUTES

Resolution No. 081208-01

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes for the Regular Council Meeting, held November 24, 2008, 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. 081208-02

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as presented, for the Regular Council Meeting of December 08, 2008 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. 081208-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of December 08, 2008, to be circulated and placed on file.

YES: Hurt, Krueger, Porath, Shumaker, Abrams, Binder, Hicks.
NO: None. Motion declared carried.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

Senior Center Addition, Construction Concept

Resolution No. 081208-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the Swartz Creek Area Senior Citizens Center has been in operation since 1980 and incorporated since 1982 as a public not for profit IRS 501(c)(3) entity, serving a regional area defined as the Swartz Creek School District boundaries consisting of significant portions of four Townships; Gaines, Clayton, Mundy and Flint, and the Village's of Gaines, Lennon and City's of Swartz Creek and a small portion of Flint; and

WHEREAS, operational and activities funding through the 1980's and 1990's was primarily based on private donation revenues with City funded housing and associated expenses; and

WHEREAS, a signatory effort containing 697 validated voter signatures, asking for a ballot request of 0.5 mills for services, programs and operational costs, for a period of ten years, for the voters of the City of Swartz Creek, was presented to the City Council on August 14, 2000. The City Council voted to place the request before the voters at the General Election of November 7, 2000, the electorate of the City approving the request with the first collection in July, 2001; and

WHEREAS, in 2001, the Swartz Creek Area Senior Citizens determined the need and desire to expand or reconstruct their facilities due to continued and anticipated membership growth, and further, have drawn conceptual plans for additions to the existing building as well as reconstruction of a new building; and

WHEREAS, the City Levy of 0.5 mill was replaced with a county-wide 10 year levy of 0.7 mill on August 8, 2006, to provide programs, activities and services for seniors, to-which the operational activities for the Swartz Creek Area Senior Citizens Center is funded; and

WHEREAS, prior to the approval of the County millage, the Swartz Creek Area Senior Citizens Center, through the City's Levy and private donations, set aside approximately \$300,000 to fund either a capital improvement project for the existing building or the construction of a new facility; and

WHEREAS, the cost of a new building was determined to be prohibitive and although an addition may present some logistical problems, it is the only cost feasible solution; and

WHEREAS, the Senior Center has retained the services of an architect and drafted two conceptual floor plans and preliminary cost estimates for an addition, copies of which are attached; and

WHEREAS, Genesee County Metropolitan Planning Commission, the medium through which the County Senior Levy funds are distributed, have indicated that the Swartz Creek Area Senior Citizens Center is eligible for a \$200,000 grant for capital improvements in the form of an addition to the existing Center, such grant would bring a total of \$500,000 the Senior Center has to spend towards an expansion to the Center; and

WHEREAS, the Swartz Creek Senior Citizens Center has requested permission to construct an addition and assistance from the City in funding the balance of construction, estimated to be between \$300,000 and \$500,000; and

WHEREAS, the City is unable to make a contribution for such an amount from its General Fund, however, under certain conditions, a loan is possible from an enterprise fund such as water or sewer.

NOW, THEREFORE, BE IT RESOLVED that the City Council endorse the selection of Option Number A, as an addition to the Swartz Creek Senior Center Building, and further, directs the Administrative Staff to work with the Swartz Creek Area Senior Citizens Center Board, as follows:

- In conjunction with the Swartz Creek Area Senior Citizens Center, initiate formal application to Genesee County for a grant in the maximum amount allowable.

- Prepare a draft lease between the City and the Swartz Creek Senior Citizens Center.
- Prepare a draft loan agreement between the General Fund and an appropriate enterprise fund.
- Prepare a construction budget.
- Prepare a revised draft of the Senior Citizens Center Budget.
- Initiate site plan review process.

BE IT FURTHER RESOLVED, that upon completion of each of the directives and any other data that may be needed, that they be brought back before the City Council for review, and further, upon collection of all data, information and commitments, a final decision by the City shall be rendered.

BE IT FURTHER RESOLVED, that the City Council hereby finds and determines that the making of the proposed building improvements for the use of the Swartz Creek Area Senior Citizens, Inc. constitutes actions directed toward the improvement of the social, legal, health, housing, educational, emotional, nutritional, recreational, or mobility status of older persons within the purview of 1976 PA 39 [MCL 400.571 *et seq.*].

Discussion Took Place.

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

Legal Consultation, Rate Increase

Resolution No. 081208-05

(Carried)

Motion by Councilmember Binder
 Second by Councilmember Shumaker

I Move the City of Swartz Creek appropriate professional fees in the amount of \$125 per hour for legal compensation and \$60 per hour for para-legal compensation for City Attorney Richard J. Figura.

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

Appropriation, Cross Connection Control-Compliance Program, Hydro Designs

Resolution No. 081208-06

(Carried)

Motion by Councilmember Hurt
 Second by Councilmember Krueger

WHEREAS, compliant to the Safe Drinking Water Act of 1976 PA 339, the City of Swartz Creek instituted a Cross Connection Control and Compliancy Program, and solicited and awarded sealed bids to Hydro-Designs Inc. of Bloomfield Hills Michigan to implement the program, and;

WHEREAS, Hydro-Designs have brought the City into full compliancy with the Act and MI-DEQ Regulations, and;

WHEREAS, it is mandatory for the City to continue the program in order to remain in compliancy with the Act and MDEQ Regulations, and;

WHEREAS, the work performed by Hydro-Designs is specialized, and;

WHEREAS, it is efficient, compliant and desirable for the City to remain with a single company to maintain compliancy and continued continuity of the established records currently maintained by Hydro-Designs,

NOW THEREFORE, the Swartz Creek City Council appropriates an amount not to exceed \$4,500, payment for yearly continuation of the City's Cross Connection Compliancy and Control Program, to Hydro-Designs Inc. of Bloomfield Hills, Michigan, funds to be appropriated from 590, Water Supply

Discussion Ensued.

YES: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger, Porath.

NO: None. Motion Declared Carried.

A.F.S.C.M.E. Labor Agreement, Position Re-Classification, Administrative Assistant

Resolution No. 081208-07

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the City of Swartz Creek amend the 2006-2009 Labor Contract with the A.F.S.C.M.E. to allow for the re-classification of three Administrative Assistants from AA-2 to AA-1, post July, 2006 hiring's, hourly rate of compensation to be \$15.39 as per the contract, effective upon the one year anniversary date of the respective employee, or July 1, 2008, which ever is later, and further, direct the City Manager to engage a letter of understanding with the union.

YES: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

NO: None. Motion Declared Carried.

Appropriation & Bid Award, Road Hot Patch Device

Resolution No. 081208-08

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

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 Spaulding Two-Ton Diesel Trailer Hot Asphalt Street Patch Device and by virtue of the size of the City, we cannot purchase such equipment in a sufficient quantity to allow for a maximum discounted price, and;

WHEREAS, the City of Novi has let for bid for the specified device, bid awarded to Bell Equipment of 78 Northpointe Drive, Lake Orion Michigan 48359 and;

WHEREAS, the total cost of the device is \$18,000.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek recognize the bid and return tabulations of the City of Novi and accept the bid award to Bell Equipment of 78 Northpointe Drive, Lake Orion Michigan 48359, and appropriate an amount not to exceed \$18,000 for the purchase of one Spaulding Two-Ton Diesel Trailer Hot Asphalt Street Patch Device, in accordance with the specifications as attached hereto, budgeted funds to be appropriated from 661 Motor Pool.

Discussion Ensued.

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

Amend Fire Budget, SCBA Local Match

Resolution No. 081208-09

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move that the City of Swartz Creek appropriate from the General Fund, \$3,535, the City's 50% matched portion of the Grant awarded to the Fire Department in the amount of \$141,000 for SCBA and related equipment.

Discussion Took Place.

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

MEETING OPENED TO THE PUBLIC

Tommy Butler, 40 Somerset, questioned why the City couldn't borrow money from other funds to fix the streets but they can do so for the Senior Center addition. City Manager Bueche stated that the money to fix the streets can only come out of certain funds and

explained the process to Mr. Butler. Mr. Butler questioned why the Senior Center would lock themselves into such a small building. Mayor Abrams explained that there was nowhere else for them to go as there is not enough money for a new building. Mr. Butler commented that he feels that there are not enough events for the youth in the City and that the movies that are shown at Family Movie Night are too old. He stated that he feels that newer movies would be of more interest to the youth in the City.

Jim Florence, 4296 Springbrook Drive, responded to Mr. Butler that Hometown Days is mostly for the kids. Mr. Florence stated that the Senior Center has talked about projects that would help combine the youth and the seniors of the City. Mr. Florence thanked the Council, City Manager, and the City Attorney for approving the resolution for the Senior Center addition.

REMARKS BY COUNCILMEMBERS:

Councilmember Krueger congratulated the three Administrative Assistants on their promotions.

Councilmember Hicks stated that she is glad that the Senior Center is keeping statistics on who is using the center. Ms. Hicks agreed that more combined youth/senior programs would be beneficial to the City.

Councilmember Binder thanked the Women's Club for the great job on the chili dinner to benefit the Veteran's Memorial.

Mayor Pro-Tem Porath talked about the youth in the City and stated that he believes that the appropriate avenue for more youth programs should be the school system.

Mayor Abrams reminded everyone about the Open House-Cookie Night at his house on Wednesday.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:50p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk