

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 02/22/2010**

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, Deputy City Clerk Mary Jo Clark,

Others Present: Boots Abrams, Tommy Butler, Sharon Klein, John Gilbert, Bob Plumb, Jim Florence, Ron Schultz.

**APPROVAL OF MINUTES**

**Resolution No. 100222-01**

**(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes, as presented, for the Regular Council Meeting, held February 8, 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. 100222-02**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of February 22, 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. 100222-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of February 22, 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:**

**Morrish North Street Project (Meijer), Right of Way Acquisition**

**Resolution No. 100222-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek direct the staff to secure the necessary rights of way for the construction of the Morrish Road North Street Re-Construction Project, as specified in design plans prepared by the City's Engineer, and further, authorize expenses and compensation associated with the property acquisition, up to an amount not to exceed \$3,000.

Discussion Ensued.

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

**MDOT Park & Ride Improvements, Lighting**

**Resolution No. 100222-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**WHEREAS**, the Michigan Department of Transportation (MDOT) desires that the park and ride constructed, owned and operated by the State, located at Miller & I-69, is in need of improvements, specifically lighting; and

**WHEREAS**, the City has negotiated with MDOT trying to achieve better care of the facility in terms of the lighting, lawn care services, snow removal, salting and garbage collection; and

**WHEREAS**, MDOT has agreed to participate in a cost sharing plan wherein the state will pay for the installation of lighting with the City performing the work, the City will pay for the electrical power, provide lawn care services, snow removal, salting and garbage collection with all costs reimbursed up to \$4,000 per year, excepting Consumers Energy electricity expenses; and

**WHEREAS**, the City has entered into a State Trunkline Agreement that allows for the recovery of expenses associated with lawn care services, snow removal, salting and garbage collection; and

**WHEREAS**, the City has secured three purchase and installation quotes for the construction of four 20' light poles with 10 bar photocell box beam LED lights set in concrete bases, underground electrical and Consumers Energy power drops; and

**WHEREAS**, the project would normally fall within the city's Purchasing Policy requiring sealed bids, however, Section 2-402 (a),(2),a,2, of the City's Purchasing policy that requires competitive sealed bids for purchases that exceed \$5,000, excepting deviations under the following conditions:

...“The city council may, at the request of the city manager, authorize the city manager to negotiate a contract for the purchase of any product, material or service with a provider of such product, material or service without regard to the requirements of this section relative to purchases where the city council finds:

- i. Due to circumstances beyond the control of the city, the market for such product, material or service is not competitive even though such product, material or service is normally competitive in nature; and
- ii. The economic interests of the city are best served by negotiating a contract with a provider of the product, material or service without requesting sealed bids...

**NOW, THEREFORE, I Move** the City of Swartz Creek finds that the economic interests of the city are best served by negotiating a contract with a provider of the product, material or service without requesting sealed bids, and further, approve the purchase, construction and installation of four 20' light poles with 10 bar photocell box beam LED lights set in concrete bases, underground electrical and the Consumers Energy power drop, from the low submittal of Markee Electric of 2410 Kansas Avenue, Flint, in accordance with the following cost schedule, expenses to be reimbursed by MDOT, pursuant to Transportation Work Authorization #100518:

<b>Markee Electric</b>	<b>\$18,155</b>
<b>Consumers Power Drop:</b>	<b><u>\$ 3,829</u></b>
Sub Total:	\$21,984
<b>10% Contingency:</b>	<b><u>\$ 2,200</u></b>
<b>TOTAL:</b>	<b>\$24,184</b>

Discussion Ensued.

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

**Park Fee Waiver, Swartz Creek Fire Association**

**Resolution No. 100222-06** **(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**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 July 10, 2010, from 9:00 AM until 6:00 PM, for the Swartz Creek Area Fire Association’s annual picnic.

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

**Park Fee Waiver, Cub Scout Pack 122** **(Carried)**

**Resolution No. 100222-07**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Hurt

**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 May 22, 2010 from 9:00 AM and 6:00 PM, for Cub Scout Pack #122.

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

**City Manager Contract Renewal** **(Carried)**

**Resolution No. 100222-08**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek renew the City Manager’s Contract, a copy of which is attached hereto, and further, direct the Mayor and City Clerk to execute the agreement on behalf of the City:

Discussion Ensued.

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

## **MEETING OPENED TO THE PUBLIC**

John Gilbert, 7459 Miller Road, thanked City Manager Bueche for the help he gave him on his tax problems.

## **REMARKS BY COUNCILMEMBERS:**

Councilmember Krueger spoke about DPS employee Dave Wright and his 40 years of service to the City. Mr. Krueger proposed that the City do something special for Mr. Wright to recognize his years of service. Mr. Krueger stated that he is happy to hear that Officer Paul is recovering from the injuries he sustained on duty.

Councilmember Shumaker spoke about an award from the State of Michigan for work on the heating and mechanical system at the Public Safety building. Mr. Shumaker talked about the presentation of a cane to a World War II Veteran. Mr. Shumaker stated that the presentation could be seen on Channel 12 news.

Councilmember Hicks spoke about the Senior Center open house that she attended. Ms. Hicks questioned the minutes from the Fire Board and wanted to know how they have money to invest.

Councilmember Binder stated that she was very impressed with the new Senior Center.

Councilmember Hurt asked about a water main break on Sunday morning.

Mayor Pro-Tem Porath questioned recovery monies coming before the City Council.

Mayor Abrams stated that he would not be in attendance at the March 14, 2010 Council meeting. Mr. Abrams stated that Clayton Township would be voting in a new supervisor on Tuesday night.

## **ADJOURNMENT:**

There being no objection, Mayor Abrams declared the meeting adjourned at 8:08 p.m.

Richard Abrams, Mayor

Mary Jo Clark, Deputy City Clerk