

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 01/28/2008**

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, Mayor Pro-Tem Christie, Hicks, Hurt, Porath, Shumaker.

Councilmembers Absent: Adams.

Staff Present: City Manager Bueche, City Attorney Bill Delzer, Finance Director/Deputy Clerk Mary Jo Clark, Engineer Lou Fleury.

Others Present: Ron Schultz, Boots Abrams, Bob Plumb, Joseph Letavis, Mr. & Mrs. John Letavis, Bud Grimes, Robyn Rosenthal.

APPROVAL OF MINUTES

Resolution No. 080128-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held January 14, 2008, as amended, to be circulated and placed on file.

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

Resolution No. 080128-02

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the Swartz Creek City Council hereby excuse the absence of Councilmember Adams due to work responsibilities.

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

NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 080128-03

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of January 28, 2008 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 080128-04

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager's Report of January 28, 2008, to be circulated and placed on file.

Discussion Took Place.

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

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

Mayor Abrams added item 6Q to the Reports and Communications; Genesee County Household Hazardous Waste Contributions. This item will be added to the next agenda.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

Flag Retirement Fire Pit

Resolution No. 080128-05

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro-Tem Christie

WHEREAS, Joe Letavis is a local high school student and Boy Scout that is currently working on an Eagle Scout project; and

WHEREAS, Mr. Letavis has devised a community construction project as the focus of the Eagle Scout project that consists of an official flag retirement burning pit; and

WHEREAS, the City understands the need, practically and symbolically, to retire the flag of the United States and its states; and

WHEREAS, the City regulates burning within its corporate limits.

WHEREAS, Mr. Letavis has conceptualized, designed, and sought donations to complete the project; and

WHEREAS, Mr. Letavis, the Swartz Creek Park Board, and City Staff agree that a good location for the pit would be on the east side of the public safety building, across from the Veterans' Memorial Park.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council approve the flag retirement pit as proposed to be constructed by Mr. Letavis; and

BE IT FURTHER RESOLVED that City Staff shall work with the Fire Chief and Mr. Letavis to locate the safest, most functional location for the pit on site; and

BE IT FURTHER RESOLVED that the City of Swartz Creek, after satisfactory completion, will regulate, maintain, and control the flag retirement pit in such a way that it benefits the community of Swartz Creek.

Short Presentation by Joe Letavis.

Discussion Ensued.

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

Appropriation, Update Personnel Policy, Procedures, Rules & Regulations

Resolution No. 080128-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek has an urgent need to develop a personnel handbook for its employees, board and commission members; and

WHEREAS, a request for a proposal and a project scope has been solicited and obtained from Mr. Mark Nottley of Rehmann-Robson to assist the City Staff in developing a personnel policy handbook, cost for the consulting work not to exceed \$4,300; and

WHEREAS, it is anticipated that the total cost for the development of a personnel policy handbook will exceed \$5,000 when printing costs are added; and

WHEREAS, Section 2-402 of the City's purchasing policy requires competitive sealed bids for purchases that exceed \$5,000 and quotes for purchases that fall between \$2,500 and \$4,999, excepting deviations under the following conditions:

Sec. 2-402. General purchasing policy.

(a) It is the intent of this policy to provide for competitive pricing involved in all purchases and contracts, except as specifically provided for in this division. The purchasing agent shall prepare rules concerning purchasing for the city.

(1) *Transactions less than five thousand (\$5,000.00) dollars.* The purchasing agent, subject to budgetary appropriations, is authorized to make purchases of materials and equipment and contract for labor or materials in an amount not to exceed five thousand dollars (\$5,000.00), without further approval of the city council.

Except for those situations requiring the need for sealed bids, the purchasing agent, shall consider all circumstances surrounding the purchase to be made or the service to be provided. If it is in the best interest of the city, the purchasing agent shall deal with sources within the city.

a. *Quotations.* The purchasing agent shall secure or cause to be secured quotations from no less than two (2) sources in all transactions involving expenditures of two thousand five hundred dollars (\$2,500.00) or more and less than five thousand dollars (\$5,000.00). The purchasing agent shall maintain a written record of the quotations received.

b. *Other.* Transactions involving expenditures less than two thousand five hundred dollars (\$2,500.00) may be authorized by the purchasing agent in such manner and from such source as the purchasing agent may determine.

(2) *Transactions of five thousand (\$5,000.00) dollars or more.* The purchasing agent shall secure sealed bids in all transactions involving an expenditure of five thousand dollars (\$5,000.00) or more.

a. Sealed bids shall not be required in the following instances.

1. Where the subject of the purchase or contract is other than a public work or improvement and the product or material to be transacted for is not competitive in nature, provided that in no instance shall such product or material be transacted for without prior council approval.

2. 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.

3. In the employment of professional services, provided that in no instance shall such professional service be contracted for without prior council approval.

4. If the city elects to use city personnel.

WHEREAS, the City Manager recommends a single source contract with Rehmann-Robson's Management Consultant Mr. Mark Nottley to assist the City with the development of a personnel policy, procedures, rule and regulation manual for City Employees, Boards and Commissions, and further, that such work is specialized and professional in nature and the Mr. Nottley is highly qualified and has performed other management consulting work for the City with very favorable results.

NOW THEREFORE, I move the City of Swartz Creek approve a contract with Rehmann-Robson's Mr. Mark Nottley, to develop a personnel policy, procedures, rules and regulations handbook, in accordance with the project scope of work as submitted, and bring a final draft back to the City Council for review and approval, and further, appropriate an amount not to exceed \$4,300 to Rehmann-Robson for the project.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Elms Road Project, County Road Commission Agreement

Resolution No. 080128-07

(Carried)

Motion by Councilmember Porath

Second by Councilmember Hurt

WHEREAS, the City of Swartz Creek is a street authority authorized to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and

WHEREAS, the City has identified the need to repair Elms Road from I-69 overpass to the North City Limits and have applied for and received funding through its urban cooperative street organization, the Genesee County Metropolitan Alliance; and

WHEREAS, a 1,300' section of this project is a border road to which half is located in the City and half in Clayton Township, such section under the jurisdiction of the Genesee County Road Commission; and

WHEREAS, the Genesee County Road Commission has indicated a desire to participate with repair of the 1,300' foot section in conjunction with the City's project and with the City as the applicant and project manager, under an agreement with specific terms.

NOW, THEREFORE, BE IT RESOLVED that the City enter into an agreement with the Genesee County Road Commission for the repair of a 1,300' section of Elms Road, the road being a border between the City and Clayton Township, under the following general terms:

- Repairs consist of crack repair, Mill, HMA 2" overlay, gravel shoulders& ditching
- The County may elect not to participate in the cost of milling the road surface
- The local match portion will be split by the City and the County Road Commission on a 50% approximate basis, notwithstanding the non-participation of the County in the milling costs
- The County Road Commission shall approve the final design plans
- The County portion of the match costs shall be billed in 2009.

BE IT FURTHER RESOLVED that the City Council direct the City Manager and City Attorney to prepare an agreement and further, direct the Mayor and City Clerk to execute such agreement, provided it substantially corresponds to the terms as set forth in this resolution.

Discussion took place.

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

DDA Appointment, Eckerdt

Resolution No. 080128-08

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Shumaker

I Move the Swartz Creek City Council confirm the Mayor's appointment of Mr. Ernie Eckerdt, 5019 Brady Street, P.O. Box 4, Swartz Creek, 635-8790, term expiring November 30, 2009, to the Swartz Creek DDA Board, to fill the partial remaining term left vacant by Laura Balars. Balars no longer met the requirements of the position as she left residency within the DDA District and the City.

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

DDA Budget Adjustments

Resolution No. 080128-09

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, the Swartz Creek Downtown Development Authority has approved an operating budget for the 2008 fiscal year and this budget was subsequently and officially adopted by the Swartz Creek City Council as 'fund 248'; and

WHEREAS, the DDA desires to allocate more dollars to the façade improvement program by way of transferring funds from other departments that are expected to show substantial surpluses; and

WHEREAS, the DDA has adopted a budget amendment to this extent at their regular meeting on January 10, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Swartz Creek City Council hereby approve and adopt the budget amendment for Fund 248 as follows and attached:

1. Under Department 173.000, Administration, the recommended sum be \$3,700, transferring out \$7500.
2. Under Department 728.000, Economic Development, the recommended sum be \$3000, transferring out \$2500.
3. Under Department 728-003, Façade Program, increase department from \$10,000 to \$20,000 utilizing the above transfers.
4. All other line items to be adjusted accordingly.

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

Engineering Services, Adopt Qualification Based Selection Process

Resolution No. 080128-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, it is the duty of the City of Swartz Creek to provide for the safety of its citizens and, in so doing provide for the safely designed, engineered, and constructed public roads, highways, bridges, drainage systems, and improvements of all kinds to real property; and

WHEREAS, it is in the best interest of the city to protect people by demanding and insuring that qualified engineers and land surveyors, also known as design

professionals, render services which will assist in making any construction project safer for public use; and

WHEREAS, selection based upon the qualifications of the design professional to perform the required services rather than selection merely upon price, even though price may be important, is more likely to produce a better and safer result; and

WHEREAS, the City of Swartz Creek desires to comply with federal and state requirements and guidelines with respect to selection of design professionals; and

WHEREAS, the City has adopted a process that extends for a period of three (3) years, at the option of the city, thus eliminating the need to engage in additional selection processes on a project by project basis; and

WHEREAS, the City selected a qualified firm in June of 2005 and must begin the process anew.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council approve the attached request for proposals and the notice of publication to be distributed for the purpose of soliciting qualifications for engineering firms.

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

NO: None. Motion Declared Carried.

Appropriation, Repair Perkins Building

Resolution No. 080128-11

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the repair of restroom stalls at the Perkins Building, Senior Center / Library complex, in an amount not to exceed \$2,321 plus 10% contingency, Dover & Company of Flint to be the contractor, in accordance with the attached proposal.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Boots Abrams announced that she and the Mayor have a new great-granddaughter.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt wanted to know, in reference to the Marathon Property, the legal ramifications of putting the debt owed to the city on the tax roll. Mr. Bueche stated that he spoke to the City Attorney Figura and there is no basis in law for it. He stated that the option would be to sue them for it if the statute of limitations had not run out.

Councilmember Hicks mentioned the "Planet Aid" box that sits in the gas station downtown. She questioned whether the box was supposed to be removed. Mr. Bueche stated that he would check with Asst. City Manager Zettel on that issue.

Councilmember Shumaker questioned the \$5,000 that was donated, whether it was to the Fire Dept. or the firemen. He was advised that it was donated to the Association. He also spoke about the sign at Miller and Elms Rd as the Marathon station. He questioned why the sign at Gander Mountain was not taken down when they vacated the building. Mr. Bueche stated that he believed that it didn't meet the criteria of a pylon sign. It was a pole sign. Mr. Shumaker talked about sending out memos in reference to submitting budget requests for repairs on buildings. Mr. Shumaker thanked the City Clerk for providing a certificate for Mr. Paul Spaniola, who just turned 95.

Mayor Pro-Tem Christie stated that the Fire Board has accepted the fire evaluation and that the Board has begun to implement the evaluation.

Mayor Abrams talked about the parking at the old Blackmore-Rowe building which is now a church. He questioned whether it was adequate for the purpose for which it was being used. Mr. Bueche stated that the City was aware of the problem but was unsure if anything could be done about it. Mr. Abrams spoke about the audit newsletter and the Federal Mileage limit being 50.5 cents. He wanted to know if the City was going by that figure now. Mr. Bueche stated that it was.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:10 p.m.

Richard B Abrams, Mayor

Mary Jo Clark, Finance Director/Deputy Clerk