

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 07/26/2010**

The meeting was called to order at 7:00 p.m. by Mayor Abrams at Elms Road Park in the City of Swartz Creek.

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, Deputy City Clerk Deanna Korth, DPS Director Tom Svrcek, Assistant City Manager Adam Zettel.

Others Present: Korene Kelly, Tommy Butler, Jim Florence, Boots Abrams, Rod Gardner, Brent Cole, Fay Porath, Mike Royalty, Jack Wheatley, Sharon Shumaker, Blake Thorn, Richard Mattson, Peggy Mattson, Ray Thornton.

**APPROVAL OF MINUTES**

**Resolution No. 100726-01** **(Carried)**

Motion by Mayor Pro-Tem Porath  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held July 14, 2010, to be circulated and placed on file.

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

**Resolution No. 100726-02** **(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council excuse the absence of Councilmember Hicks from the June 28, 2010 Council meeting due to work commitments.

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

**APPROVAL OF AGENDA**

**Resolution No. 100726-03**

**(Carried)**

Motion by Councilmember Krueger  
Second by Councilmember Hurt

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

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

**REPORTS AND COMMUNICATIONS:**

**City Manager’s Report**

**Resolution No. 100726-04**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Binder

**I Move** the Swartz Creek City Council approve the City Manager’s Report of July 12, 2010, to be circulated and placed on file.

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

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

**MEETING OPENED TO THE PUBLIC:**

None.

**COUNCIL BUSINESS:**

**Bid Award & Appropriation, Sidewalk Repairs & Miscellaneous Concrete Work**

**Resolution No. 100726-05**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek accept the low bid of Donaldson & Son Construction, of Flushing Michigan, for the repair of deteriorated sidewalk sections as designated by the City. The costs of such repairs being \$3.99 per S.F. 4”, \$4.50 per S.F. 6”, \$8.28 per S.F. 8”, and \$100.00 for an edge grind in accordance with the specifications as set forth in the bid documents. Property owners shall be billed the actual amount invoiced to the City for repairs, and failure to remit payment on this shall result in the assessment of those costs to the tax roll.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

**Elms Park Reservation, Fee Waiver Request, Art Fair**

**Resolution No. 100726-06**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**WHEREAS**, the Swartz Creek Chapter of Kiwanis International, a local not-for-profit organization, desires to continue its annual Art Festival in Swartz Creek for the purpose of raising funds to support children’s activities, and

**WHEREAS**, the previous location for this outdoor event is Elms Park; and

**WHEREAS**, the event would consist of a set-up day on Friday, August 27<sup>th</sup> and a Saturday, August 28<sup>th</sup> show including approximately fifty artists, six food vendors, a “kids’ zone”, pavilion use, overnight RV parking, Saturday vendor and patron parking, private security, and live music; and

**WHEREAS**, the City may allow exclusive use (Ord. 11-50), as well as overnight ‘sleeping’ within a city park (City Ordinances 11-49) with the written permission of the City Manager.

**NOW, THEREFORE, BE IT RESOLVED** that the Swartz Creek City Council approve the exclusive use of Elms Park for the Second Annual 2010 Kiwanis Art in the Park Festival on August 27-28, 2010, conditional upon Kiwanis providing insurance for the event naming the City as an additional insured party.

**BE IT FURTHER RESOLVED** that the park fees for the use of park pavilions shall be waived.

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

NO: None. Motion Declared Carried.

**City Parks Discussion, Update**

**(Discussion Topic)**

City Manager Paul Bueche gave a brief overview of the parks situation, including the cuts made in the revised FY2010 budget and the current FY2011 budget. Mr. Bueche and DPS Director Tom Svrcek spoke about mowing issues as well as issues with the playscape. They are looking at setting priorities for things that need to be done. It was noted that volunteers do park cleanup and flower planting and maintenance at the park entrance, which is appreciated very much.

**MEETING OPENED TO THE PUBLIC**

Richard Mattson spoke about the Kiwanis painting pavilion #2.

Tommy Butler, 40 Somerset, spoke about the Relay for Life event and the amount of space that is needed for the event. Mr. Butler stated that people should see the event before deciding if our park could handle the size.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Hicks thanked the Park Board for their help and ideas.

Councilmember Shumaker stated that he appreciates the closing notice that the library sent out. Mr. Shumaker questioned whether a baffle or sign might be needed to keep the bicycles out of the playscape.

Councilmember Krueger stated that the weather for the meeting was great.

Mayor Pro-Tem Porath thanked Councilmember Krueger for the great idea of having the Council meeting in the park. Mr. Porath stated that during the concert series the library bathrooms were in very bad shape and stated that he would like to see them look better.

Mayor Abrams talked about the parking sign in front of Syring School hanging out over the road. Mr. Abrams stated that he would like to see it corrected.

**Adjournment**

**Resolution No. 100726-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 7:52 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk