

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 06/09/2008**

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, Hicks, Hurt, Shumaker.

Councilmembers Absent: Adams, Mayor Pro-Tem Christie, Porath.

Staff Present: City Manager Bueche, City Attorney Michael Gildner, City Clerk Juanita Aguilar.

Others Present: Boots Abrams, Bob Plumb, Tommy Butler, Lou Fleury, Diane Deel, John Gilbert, David Krueger, Terry O'Brien.

Resolution No. 080609-01 **(Carried)**

Motion by Councilmember Hurt
Second by Councilmember Hicks

I Move the Swartz Creek City Council excuse the absence of Councilmembers Adams and Porath and Mayor Pro-Tem Christie due to work commitments.

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

APPROVAL OF MINUTES

Resolution No. 080609-02 **(Carried)**

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held May 27, 2008, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 080609-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of June 9, 2008 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 080609-04

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approve the City Manager's Report of June 9, 2008, to be circulated and placed on file.

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

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

MEETING OPENED TO THE PUBLIC:

David Krueger, 7399 Miller Road, questioned whether the City Council knew when the power would be back on to parts of the City. He was advised that the City is not kept informed by Consumers Power.

COUNCIL BUSINESS:

Application, MDOT Local Bridge Funding Program, Morrish Road Bridge

Resolution No. 080609-05

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, the City Council of the City of Swartz Creek is required under provisions of the State Department of Transportation's Bridge Funding Program to actively seek funding participation in bridge replacement or rehabilitation, and

WHEREAS, the City of Swartz Creek's Engineering Consultants (ROWE, Inc.) have inspected the City's bridge system and found there is a need to repair the Morrish Road Bridge over the West Branch of the Swartz Creek, and

WHEREAS, the available funds in the City of Swartz Creek Street Funds is insufficient to fund bridge rehabilitation, replacement or repair of such a project, and

WHEREAS, the City of Swartz Creek is street authority responsible for road infrastructure of all major and local streets within the corporate limits, and

WHEREAS, residents and non-residents of the City of Swartz Creek, as well as official, emergency and commercial vehicles use the bridge on a regular basis, and

WHEREAS, the City of Swartz Creek still must seek ways to finance and maintain deteriorating infrastructure.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Swartz Creek direct the City Manager to apply and seek participation and funding in the State of Michigan's Department of Transportation Bridge Funding Program for the rehabilitation and repair of the Morrish Road Bridge over the West Branch of the Swartz Creek.

BE IT FURTHER RESOLVED, that a copy of this resolution be attached with the application for local bridge funding.

Discussion Ensued.

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

Adopt 2008-2009 Fiscal Year Budget, Set Levy

Resolution No. 080609-06

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council, in accordance with the General Appropriations and Uniform Budgeting Act, adopt the proposed 2008-2009 Fiscal Budget based upon the following Summer Tax Levies:

General Operating Levy:	4.8289 Mills
Sanitation Levy:	<u>1.7500 Mills</u>
TOTAL:	6.5789 Mills

2008-2009 Budget

101 General Fund

Estimated Revenues	Adopted	
General Fund Estimated Operating Revenues	2,121,443	
General Fund Estimated Project Revenues	<u>26,000</u>	
Total General Fund Estimated Revenues	2,147,443	
Appropriations	Adopted	
General Government Activities 101-299	513,431	
Public Safety Activities 301-399	1,126,685	
Public Works Activities 400-799	437,288	
Other Government Activities 800-999	<u>106,123</u>	
Total General Fund Operating Appropriations	2,183,527	Estimated Beg Fund Balance
Total General Fund Project Appropriations	26,000	1,006,787
Total General Fund Appropriations	2,209,527	
		Estimated Ending Fund Balance
Effect on General Fund's Fund Balance	-62,084	944,703

202 Major Streets Fund

Estimated Revenues	Adopted	
Major Streets Fund Estimated Operating Revenues	290,500	
Major Streets Fund Estimated Project Revenues	<u>8,800</u>	
Total Major Streets Fund Estimated Revenues	299,300	
Appropriations	Adopted	
General Government Activities 101-299	3,500	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	162,681	
Other Government Activities 800-999	<u>0</u>	
Total Major Streets Fund Operating Appropriations	166,181	Estimated Beg Fund Balance
Total Major Streets Fund Project Appropriations	576,100	730,922
Total Major Streets Fund Appropriations	742,281	
		Estimated Ending Fund Balance
Effect on Major Streets Fund's Fund Balance	-442,981	287,941

203 Local Streets Fund

Estimated Revenues	Adopted	
Local Streets Fund Estimated Operating Revenue	81,000	
Local Streets Fund Estimated Project Revenue	<u>10,000</u>	
Total Local Streets Fund Estimated Revenue	91,000	
Appropriations	Adopted	
General Government Activities 101-299	3,500	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	106,239	
Other Government Activities 800-999	<u>0</u>	
Total Local Streets Fund Operating Appropriations	109,739	Estimated Beg Fund Balance
Total Local Streets Fund Project Appropriations	100,000	237,052
Total Local Streets Fund Appropriations	209,739	
		Estimated Ending Fund Balance

Effect on Local Streets Fund's Fund Balance	-118,739	118,313
226 Garbage Fund		
Estimated Revenues	Adopted	
Garbage Fund Estimated Operating Revenue	409,730	
Garbage Fund Estimated Project Revenue	<u>0</u>	
Total Garbage Fund Estimated Revenue	409,730	
Appropriations	Adopted	
General Government Activities 101-299	5,600	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	395,790	
Other Government Activities 800-999	<u>22,900</u>	
Total Garbage Fund Operating Appropriations	424,290	Estimated Beg Fund Balance
Total Garbage Fund Project Appropriations	0	530,325
Total Garbage Fund Appropriations	424,290	
Effect on Garbage Fund's Fund Balance	-14,560	Estimated Ending Fund Balance
		515,765
248 Downtown Development Authority Fund		
Estimated Revenues	Adopted	
DDA Fund Estimated Operating Revenue	50,250	
DDA Fund Estimated Project Revenue	<u>3,000</u>	
Total DDA Fund Estimated Revenue	53,250	
Appropriations	Adopted	
General Government Activities 101-299	3,650	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	
Other Government Activities 800-999	<u>5,000</u>	
Total DDA Fund Operating Appropriations	8,650	Estimated Beg Fund Balance
Total DDA Fund Project Appropriations	43,500	-12,855
Total DDA Fund Appropriations	52,150	
Effect on Local Streets Fund's Fund Balance	1,100	Estimated Ending Fund Balance
		-11,755
265 Drug Enforcement Fund		
Estimated Revenues	Adopted	
Drug Enforcement Fund Estimated Operating Revenue	109,346	
Drug Enforcement Fund Estimated Project Revenue	<u>0</u>	
Total Drug Enforcement Estimated Revenue	109,346	
Appropriations	Adopted	
General Government Activities 101-299	0	
Public Safety Activities 301-399	103,438	
Public Works Activities 400-799	0	
Other Government Activities 800-999	<u>0</u>	
Total Drug Enforcement Fund Operating Appropriations	103,438	Estimated Beg Fund Balance
Total Drug Enforcement Fund Project Appropriations	0	5,465
Total Drug Enforcement Fund Appropriations	103,438	
		Estimated Ending Fund Balance

Effect on Drug Enforcement Fund's Fund Balance	5,908	11,373
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275 Senior Citizens Fund

Estimated Revenues	Adopted	
Senior Citizens Fund Estimated Operating Revenue	0	
Senior Citizens Fund Estimated Project Revenue	0	
Total Senior Citizens Estimated Revenue	0	
Appropriations	Adopted	
General Government Activities 101-299	0	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	
Other Government Activities 800-999	0	
Total Senior Citizens Fund Operating Appropriations	0	Estimated Beg Fund Balance
Total Senior Citizens Fund Project Appropriations	0	0
Total Senior Citizens Fund Appropriations	0	Estimated Ending Fund Balance
Effect on Senior Citizens Fund's Fund Balance	0	0

350 City Hall Debt Fund

Estimated Revenues	Adopted	
City Hall Debt Fund Estimated Revenue	92,800	
Total City Hall Debt Fund Estimated Revenue	92,800	
Appropriations	Adopted	
General Government Activities 101-299	0	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	
Other Government Activities 800-999	93,380	Estimated Beg Fund Balance
Total City Hall Debt Fund Appropriations	93,380	1,860
Effect on City Hall Debt Fund's Fund Balance	-580	Estimated Ending Fund Balance
		1,280

352 Wtr Transmission Debt Fund

Estimated Revenues	Adopted	
Wtr Transmission Debt Fund Estimated Revenue	0	
Total Wtr Transmission Debt Fund Estimated Revenue	0	
Appropriations	Adopted	
General Government Activities 101-299	0	
Public Safety Activities 301-399	0	
Public Works Activities 400-799	0	Estimated Beg Fund Balance
Other Government Activities 800-999	0	410
Total Wtr Transmission Debt Fund Appropriations	0	Estimated Ending Fund Balance
Effect on Wtr Transmission Debt Fund's Fund Balance	0	410

357 Western Trunk Sewer Extn Debt Fund

Estimated Revenues	Adopted
Western Trunk Sewer Extn Debt Fund Revenues	56,887
Total Western Trunk Extn Debt Fund Estimated Revenue	56,887

Appropriations		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	Estimated Beg Fund Balance
Other Government Activities 800-999		56,887	1,838
Total Western Trunk Extn Debt Fund Appropriations		56,887	
			Estimated Ending Fund Balance
Effect on Western Trunk Extn Debt Fund's Fund Balance		0	1,838

401 Capital Projects Fund

Estimated Revenues		Adopted	
Capital Project Fund Estimated Project Revenue		0	
Total Capital Projects Fund Estimated Revenue		0	
Appropriations		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		21,000	
Total Capital Projects Fund Operating Appropriations		21,000	Estimated Beg Fund Balance
Total Capital Projects Fund Project Appropriations		0	24,188
Total Capital Projects Fund Total Appropriations		21,000	
			Estimated Ending Fund Balance
Effect on Capital Projects Fund's Fund Balance		-21,000	3,188

402 Fire Equipment Replacement Fund

Estimated Revenues		Adopted	
Fire Equipment Replacement Fund Est Operating Revenue		6,000	
Fire Equipment Replacement Fund Est Project Revenue		0	
Total Fire Equip Replacement Fund Est Revenue		6,000	
Appropriations		Adopted	
General Government Activities 101-299		0	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		0	
Other Government Activities 800-999		0	
Total Fire Equip Replacement Fund Operating Approp		0	Estimated Beg Fund Balance
Total Fire Equip Replacement Fund Project Approp		0	164,193
Total Fire Equip Replacement Fund Approp		0	
			Estimated Ending Fund Balance
Effect on Fire Equip Replacement Fund's Fund Balance		6,000	170,193

590 Water Supply Fund

Estimated Revenues		Adopted	
Water Supply Fund Estimated Operating Revenue		1,187,450	
Water Supply Fund Estimated Project Revenue		0	
Total Water Supply Fund Estimated Revenue		1,187,450	
Appropriations		Adopted	
General Government Activities 101-299		49,251	

Public Safety Activities 301-399	0	
Public Works Activities 400-799	1,070,478	
Other Government Activities 800-999	<u>22,900</u>	
Total Water Supply Fund Operating Appropriations	1,142,629	Estimated Beg Fund Balance
Total Water Supply Fund Project Appropriations	0	1,528,338
Total Water Supply Fund Appropriations	1,142,629	
		Estimated Ending Fund Balance
Effect on Water Supply Fund's Fund Balance	44,821	1,573,159

591 Sanitary Sewer Fund

	Estimated Revenues	Adopted	
Sanitary Sewer Fund Estimated Operating Revenue		960,500	
Sanitary Sewer Fund Estimated Project Revenue		<u>0</u>	
Total Sanitary Sewer Fund Estimated Revenue		960,500	
	Appropriations	Adopted	
General Government Activities 101-299		51,251	
Public Safety Activities 301-399		0	
Public Works Activities 400-799		685,276	
Other Government Activities 800-999		<u>79,637</u>	
Total Sanitary Sewer Fund Operating Appropriations		816,164	Estimated Beg Fund Balance
Total Sanitary Sewer Fund Project Appropriations		143,500	1,644,260
Total Sanitary Sewer Fund Appropriations		959,664	
			Estimated Ending Fund Balance
Effect on Sanitary Sewer Fund's Fund Balance		836	1,645,096

661 Motor Pool Fund

	Estimated Revenues	Adopted	
Motor Pool Fund Estimated Operating Revenue		224,193	
Motor Pool Fund Estimated Project Revenue		<u>0</u>	
Total Motor Pool Fund Estimated Revenue		224,193	
	Appropriations	Adopted	
General Government Activities 101-299		41,305	
Public Safety Activities 301-399		71,950	
Public Works Activities 400-799		237,137	
Other Government Activities 800-999		<u>0</u>	
Total Motor Pool Fund Operating Appropriations		350,392	Estimated Beg Fund Balance
Total Motor Pool Fund Project Appropriations		0	547,348
Total Motor Pool Fund Appropriations		350,392	
			Estimated Ending Fund Balance
Effect on Motor Pool Fund's Fund Balance		-126,199	421,149
Total Estimated Revenues		5,637,899	
Total All Funds Appropriations		6,365,377	

Discussion Ensued.

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

Set 2008-2009 Council Meeting Schedule

Resolution No. 080609-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Shumaker

WHEREAS, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

WHEREAS, said Act directs that said notice be posted prominently at the principle office of the City of Swartz Creek; or at the public building at which said meetings are held; or published in the newspaper of general circulation in Swartz Creek;

NOW, THEREFORE, pursuant to said Act, public notice is hereby given that regular meetings for fiscal year 2008-2009 shall be held twice each month, and further, that all meetings shall be held in the Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, said meeting shall commence at 7:00 P.M., on the following 2008-2009 dates:

July 2008:	Monday – 14 th Monday – 28 th
August 2008:	Monday – 11 th Monday – 25 th
September 2008:	Monday – 8 th Monday – 22 nd
October 2008:	Monday – 13 th (Columbus Day) Monday – 27 th
November 2008:	Monday – 10 th Monday – 24 th
December 2008:	Monday – 8 th Monday – 15 th (One Week Earlier)
January 2009:	Monday – 12 th Monday – 26 th
February 2009:	Monday – 9 th

	Monday – 23 rd
March 2009:	Monday – 9 th Monday – 23 rd
April 2009:	Monday – 13 th Monday – 27 th
May 2009:	Monday – 11 th Monday – 25 th
June 2009:	Monday – 8 th Monday – 22 nd

FURTHER, the Clerk is hereby directed to post a copy of this resolution in a prominent place, in the City Office of the City of Swartz Creek; and

FURTHER, the City Clerk is hereby directed, to supply on request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meeting will be held and to any radio or television station that regularly broadcasts into the City of Swartz Creek.

Discussion Took Place.

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

Year End Fiscal Adjustments

Resolution No. 080609-08

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

WHEREAS, Act 621 of P.A. of 1978 provides for a uniform budgeting system for local units of government, and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government, and

WHEREAS, the City of Swartz Creek’s 2007 - 2008 Fiscal Budget is not in deficit; however, certain department activity line items may be in deficit.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the City Manager to make all necessary year-end budget adjustment amendments.

Discussion Took Place.

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

Trail Easement, Swartz Creek Schools

Resolution No. 080609-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, the City has designed a non-motorized trail-way system for recreational use that, when completed, will extend throughout the City connecting parks, retail, commercial zones, subdivisions and civic areas; and

WHEREAS, the City has begun the construction of its non-motorized trail-way system by incorporating the sections within the road transportation system via three-lane configuration with bicycle lanes on the outside; and

WHEREAS, the City's Master Plan, adopted in October 2004, identifies the location of the City's conceptual non-motorized trail-way system and site plans that have been under consideration by the City have been planned to accommodate the non-motorized trail-way system; and

WHEREAS, the City staff has negotiated with the owner of parcels of property, Swartz Creek Community Schools, Tax I.D. #58-02-200-001 and #58-02-200-025 that lie along the West Branch of the Swartz Creek between Morrish and Fairchild, and including a section west of Fairchild, for the dedication of an easement to be used for a section of the planned non-motorized trail-way system.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek accepts the dedication of an easement to allow for construction and operation of a trail along sections of Parcel #58-02-200-001 and 58-02-200-025, in accordance with the terms and legal description attached hereto as an easement

BE IT FURTHER RESOLVED, that the City Council directs the Mayor and City Clerk to execute the agreement and all associated documents pertaining to the easement, on behalf of the City.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

David Krueger talked about the Uniform Crime Report in the Council Packet. He questioned the high number of incidents in the May 2007 column as opposed to the

number in the May 2008 and the year to date columns. City Manager Bueche stated that the column headings appeared wrong and that he would check into it.

Tommy Butler, 40 Somerset, talked about the bridge on Morrish Rd. He questioned if anyone had looked at the ones on Seymour Road and Nichols Road. He stated that both of those bridges were redone with some kind of coating over the top that seemed to help keep the snow off of the road. Mr. Butler addressed Councilmember Shumaker regarding tax dollars being spent “politicking in the City building.” He stated that there was an event at the Veterans Memorial on Memorial Day that no one knew about except Mr. Shumaker. Mayor Abrams stated that he spoke to one of the organizers of the event and that it was a trial thing. John Gilbert stated that the event used to take place at the VFW hall, but this year they decided to try it at the Veterans Memorial to see how it went. Mr. Gilbert stated that it should have been better publicized.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker responded to Mr. Butler’s comments. He apologized even though he had no control over the event. He stated that he is on the Veterans Memorial Committee and that they do the best to properly inform.

Councilmember Hicks spoke about the Park Board receiving a tree from the City. Ms. Hicks stated that the Park Board and the Women’s Club got a participation ribbon from the Hometown Days Committee.

Councilmember Hurt questioned the time frame for redoing the traffic markings on Miller Road near Elms Road. He stated that the markings are hard to see when it is dark and raining. City Manager Bueche stated that they were waiting until later in the summer when some of the other road work in the City is done. Mr. Hurt asked about the Eastbound lane at Miller and Seymour. He stated that the construction barrels are still there even though the road work is done. Mr. Bueche stated that there was still some work to do.

Mayor Abrams stated that Seymour Road turned out very well. Mr. Abrams questioned the status of the Marathon Station. Mr. Gildner stated that they went to court the previous week and they were able to convince the judge that it was a blighted building and the sign was in violation of the sign ordinance. He stated that the Saroki family then submitted a consent judgement, which Mr. Gildner then filed with the court. Mr. Abrams asked about the cleanup of the utility pole wire situation. Mr. Bueche stated that they are going to hire a firm to make the final evaluation of the utility poles, then they will sit down with the companies and discuss a resolution. Mr. Abrams talked about McDonald’s having a new electronic sign and wondered if it was contrary to the City Ordinance. Mr. Bueche stated that Assistant City Manager Zettel is preparing a revision to the Zoning Code, part of which is to bring the message boards back into something that is enforceable.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 7:50p.m.

Richard Abrams, Mayor

Juanita Aguilar, City Clerk