

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 06/14/2010**

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, City Clerk Juanita Aguilar, DPS Director Tom Svrcek, Police Chief Rick Clolinger, Officer Larry Pirochta, Mike Royalty of ROWE Professional Services.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Sharon Shumaker, J O'Brien, Jeff Wright, Ron Schultz.

APPROVAL OF MINUTES

Resolution No. 100614-01

(Carried)

Motion by Mayor Pro-Tem Porath
Second by Councilmember Hurt

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held May 24, 2010, as corrected, 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. 100614-02

(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 June 14, 2010 to be circulated and placed on file.

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

Excuse Mayor Pro-Tem Porath

Resolution No. 100614-03

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the Swartz Creek City Council excuse Mayor Pro-Tem Porath from the May 24, 2010 meeting, due to transportation difficulties.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 100614-04

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of June 14, 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:

Jeff Wright, WWS, Karegnondi Water Line

(Discussion Topic)

Jeff Wright made a presentation on the status of the Karegnondi Water Line.

Police Retirement Buy-Out Package

Resolution No. 100614-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, Officer Larry Pirochta has served with the City as a full-time police officer since January 1980 with an exemplary record; and

WHEREAS, Officer Pirochta will reach his maximum MMERS retirement benefit cap at 32 years of service in January 2012; and

WHEREAS, a significant and unprecedented national fiscal crises began in 2008, the crises continuing today with the likelihood that it may be years, if not decades before the City returns to a point prior to 2008; and

WHEREAS, the City continues to meet the fiscal challenges in a variety of ways, one of which is the downsizing of the workforce; and

WHEREAS, one such mechanism to accomplish the downsizing of the workforce without layoffs is to accelerate retirements, Officer Pirochta meeting the criteria of being close enough to retirement to make a buy-out economically feasible for all parties.

NOW, THEREFORE, I Move the City of Swartz Creek approve the early retirement of Officer Larry Pirochta, with the following general stipulations:

1. The City will deposit into the MMERS retirement system an amount not to exceed \$26,000, the amount calculated by MMERS to buy time from the effective date of retirement, being on or about August 1, 2010, to January 31, 2012, thus bringing the years of service for Officer Pirochta to 32.
2. Officer Pirochta will retire on or about August 1, 2010. Officer Pirochta will be allowed to return as an at-will part-time police officer with the City, subject to the rules, regulations and rates of pay of the Police Department and City, MCOLES licensing requirements and the City's Contract with the Michigan Municipal Employees Retirement System.
3. An agreement drafted by the City Attorney and endorsed by the Police Officers Labor Council.
4. Post retirement and separation benefits to be provided as set forth in the 2009-2012 Labor Agreement between the City and the POLC.

FURTHER, the City Council directs the City Manager to prepare and execute any and all necessary paperwork, fiscal adjustments, separation agreements and contractual payouts to accomplish the separation of Officer Pirochta

BE IT FINALLY RESOLVED, that the City of Swartz Creek extend its sincere appreciation for the dedicated service extended by Officer Pirochta to the citizens of the City

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Local Street Project-Appropriation & Bid Award, Jennie Lane Mill & Resurface

Resolution No. 100614-06

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

WHEREAS, the City is in need of extensive repairs to its local street system in which the sole source for funding is State of Michigan Act 51 gas and weight distributions; and

WHEREAS, such revenues are insufficient for any extensive repairs and sustain only routine maintenance such as snow and ice removal and cold patch filling; and

WHEREAS, the City has been successful over the last six years in reserving a small amount of funds totaling \$160,000 towards repairs, however, such savings fall far short of the estimated \$5 million plus it would take to bring the City's local street system into reasonable repair; and

WHEREAS, the City staff and consulting engineers have evaluated the local street system and determined that given the insufficient amount of funds, that the best value for the investment would be to work to prolong the life of streets that have not deteriorated to the point of re-construction; and

WHEREAS, the City has sent citizen questionnaires and discussed options at public meetings, concluding that although the citizens desire their streets to be in good repair, they are generally unwilling to support a levy or pay assessments through a special assessment district; and

WHEREAS, the City's staff and consulting engineers recommend the best value for the funds in reserve are the mill and re-surface of Jennie Lane from Bristol to Yarmy and the use of a process called "Cape Seal, wherein some structure work is done along with a micro slurry overlay on streets with relatively low deterioration; and

WHEREAS, the City bid both a Cape Seal process on a handful of local streets and the mill and resurface of Jennie Lane, with the low bid for the Jennie Lane work being Mike & Son Asphalt of Bath Michigan, in the amount of \$116,035, with construction engineering cost of \$7,920; and

WHEREAS, the City staff and consulting engineers have inspected damage to the local street system and determined that in part, deterioration of the structures can be attributed to sustained exposure to heavy vehicles, in particular during the freeze thaw period in the spring, such overweight vehicle exposure recognized to be the City's contracted weekly garbage collection services: and

WHEREAS, the City's consulting engineer and City Staff have documented such damage and calculated the outside three feet of each lane, approximately 30%, have sustained attributed damage; and

WHEREAS, it is reasonable to subrogate funds from within the garbage collection 226 fund to assist in the repair of such damage.

NOW, THEREFORE, I Move the City of Swartz Creek accept the low bid of Mike & Son Asphalt of Bath Michigan, in the amount of \$116,035, for the mill and resurface of Jennie Lane from Bristol to Yarmy, in accordance with the bid specifications as set forth and offered for bid by the City's engineering consulting firm, Rowe Professional Services Inc, and further, appoint Rowe Professional Services Inc. to perform construction engineering and testing services at a cost of \$7,920, total project cost of \$124,000.

BE IT FURTHER RESOLVED, that the City direct staff to apportion the cost of the project as follows:

	<i>Total Project Cost</i>	<i>101 Fund</i>	<i>203 Fund</i>	<i>226 Fund</i>
<i>Jennie Lane</i>	\$124,000	\$16,800	\$70,000	\$37,200

Discussion Took Place.

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

Appropriation, 2009-2010 FANG Dues

Resolution No. 100614-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek appropriate and approve the expenditure in an amount not to exceed \$8,368 from Fund 265, the City's 2009-2010 annual fees for membership in the Flint Area Narcotics Group.

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

Appropriation, 2010-2011 MML Property & Liability Pool Insurance Renewal

Resolution No. 100614-08

(Carried)

Motion by Mayor Pro-Tem Porath
Motion by Councilmember Hurt

I Move the City of Swartz Creek approve the renewal of the Liability & Property Pool Insurance Policy, number MML001107824, with the Michigan Municipal League, Meadowbrook Insurance Company, liability maximum of \$10,000,000; and, further, appropriate a total amount of \$60,820 for payment of premiums for July 1, 2010 through June 30, 2011, funds to be appropriated from 101, 590, 591, and 661, in accordance with the cost distribution schedule as apportioned by fund by the Michigan Municipal League and Meadowbrook Insurance Company.

Discussion Ensued.

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

Police Motorcycle Lease Extension

Resolution No. 100614-09

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Hurt

I Move the City of Swartz Creek approve a 12 month lease extension with Cummings Harley-Davidson of Burton, Michigan, for one (1) HD Road King police motorcycle, under the terms and conditions as set forth in the original Lease Agreement, a copy of which is attached hereto, and further, direct the staff to execute a letter of understanding allowing for the extension.

Discussion Took Place.

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

Council Meeting in the Park

Resolution No. 100614-10

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the City of Swartz Creek move the location of the regular Council Meeting of July 26, 2010, from City Hall to Elms Road Park Pavilion #2 at 7:00 pm, weather permitting, and further, direct the staff to make any and all necessary notices and publications of the change.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC

None.

REMARKS BY COUNCILMEMBERS:

City Manager Bueche congratulated Boots and Mayor Abrams on their wedding anniversary.

Councilmember Hurt stated that he found Mr. Wright's presentation very helpful. Mr. Hurt thanked the DPS for fixing the flickering lights in the Council Chambers.

Councilmember Binder thanked everyone on behalf of the Swartz Creek Veteran's Committee for their continued support of the memorial.

Councilmember Hicks asked if the duck was still nesting in the Civic Center sign. Ms. Hicks stated that the flowers that the Women's Club planted are beautiful.

Councilmember Shumaker talked about the great turnout on Memorial Day at the Veteran's Memorial. Mr. Shumaker stated that WWII veteran Tony Zieber was honored at the memorial that day with a nice luncheon at the American Legion Hall after. Mr. Shumaker announced that the Kiwanis club did some cleaning at pavilion #2, the Kiwanis pavilion, at Elms Park. Mr. Shumaker spoke about the great turnout for the rummage sale that benefited the Veteran's Memorial.

Councilmember Krueger stated that he spoke with Congressman Kildee before the Hometown Days parade. Mr. Krueger stated that he spoke with Mr. Kildee about the couple of times that he has gone to Mr. Kildee's local office asking for help repaving Miller Road. Mr. Krueger stated that Mr. Kildee said that he will personally take care of it and make sure that the City gets the funds they need, although he hasn't heard back from Mr. Kildee at this time.

Mayor Pro-Tem Porath commented that the gas saved by using the police motorcycle as opposed to a police cruiser should compensate for the amount of the motorcycle lease. Mr. Porath commented on the lesser number of garbage vehicles that are on the City's streets since the City has a contract with just one waste company. Mr. Porath questioned Assistant City Manager Zettel about other communities and if they have other methods of garbage collection. Mr. Zettel stated that he doesn't believe there is a big difference in other communities.

Mayor Abrams spoke about the Alternative Education group graduating and commended them for their hard work. Mr. Abrams thanked his wife Boots for a wonderful 57 years.

Executive Session

Resolution No. 100614-11

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the City of Swartz Creek, at the request of the City Manager and in accordance with the Open Meetings Act, enter into Executive Session for the purpose of discussing strategy with the City Attorney, via conference call, in connection with pending MTT Appeals.

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

End Executive Session

Resolution No. 100614-12

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Shumaker

I Move the City Council resume the Regular Session of the City Council Meeting.

YES: Unanimous Voice Vote.
NO: None. Motion Declared Carried.

Adjournment

Resolution No. 100614-13

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 10:20 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk