

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 06/23/2008**

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, Adams, Mayor Pro-Tem Christie, Hicks, Shumaker.

Councilmembers Absent: Hurt, Porath.

Staff Present: City Manager Bueche, City Attorney Paul Delzer, Assistant City Manager Zettel, Deputy City Clerk/Financial Officer Mary Jo Clark.

Others Present: Boots Abrams, Tommy Butler, John Gilbert, David Krueger, Terry O'Brien, Jim Florence, Ron Schultz, Betty Binder.

Resolution No. 080623-01 (Carried)

Motion by Councilmember Adams
Second by Councilmember Shumaker

I Move the Swartz Creek City Council excuse the absence of Councilmember Hurt due to his being on vacation. Excusing Councilman Porath will be addressed at the next City Council meeting, as the reason for his absence is unclear.

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

APPROVAL OF MINUTES

Resolution No. 080623-02 (Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hicks

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held June 9, 2008, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 080623-03

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of June 23, 2008 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 080623-04

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council approve the City Manager's Report of June 23, 2008, to be circulated and placed on file.

Discussion Ensued.

YES: Shumaker, Abrams, Adams, Christie, 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, talked about the Police Officers Labor Contract. Mr. Krueger questioned who the "electors" referred to on page 56 of the Council packet. He was advised that the "electors" are the City Council. Mr. Krueger also questioned the City Council's opinion on the EMS County Ordinance. Mayor Pro-Tem Christie stated that the Council voiced their concerns about the situation at the special meeting that Commissioner Lockwood had in the Council Chambers in April. Mayor Abrams added that there has been no official action by the City Council.

John Gilbert, 7459 Miller Road, questioned if there were still tanks in the ground at the old Marathon station. Mr. Bueche stated that he thinks they replaced them with fiberglass tanks. Mr. Gilbert asked what the next step was in resolving the Marathon issue. Mr. Bueche stated that the City is awaiting the arrival of an order that the 67th District Judge ruled on. From there the owners will have about a month to give them a chance to try to

sell the property or work something out. By mid to late August, the City should have an order to raze the building and bill it against the taxes.

Tommy Butler, 40 Somerset, talked about grinding the bumps on Miller Road. He stated that he thinks that whoever did the job needs to finish. Mr. Butler stated that there are still some high spots on it. Mr. Bueche stated that the grinding process is tricky, with the asphalt being so old, and that the City knew going in that some spots would be better than others.

COUNCIL BUSINESS:

Appropriation, Liability, Property Pool & Workers Compensation Insurance Renewal, MML-Meadowbrook

Resolution No. 080623-05

(Carried)

Motion by Councilmember Adams
Second by Councilmember Hicks

I Move the City of Swartz Creek approve the renewal of the Liability, Property Pool and Workers Compensation Insurance Policy, number MML001107817 and 5000860-08, with the Michigan Municipal League, Meadowbrook Insurance Company, liability maximum of \$10,000,000; and, further, appropriate a total amount of \$69,901 and \$24,894 for payment of premiums for July 1, 2008 through June 30, 2009, 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.

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

Appropriation, Delinquent Senior Levy Distribution

Resolution No. 080623-06

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Adams

I Move the City of Swartz Creek appropriate an amount not to exceed \$281 to the Swartz Creek Area Senior Citizens, Inc., from Fund 275, funds collected as of June 13, 2008, from the City's levy for Senior Services, funds appropriated and to be expended under the terms and conditions as set forth in the agreement between the City of Swartz Creek and the Swartz Creek Area Senior Citizens, Inc.

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

POLC Labor Contract, 3rd Year Wage Opener

Resolution No. 080623-07

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the City of Swartz Creek approve a rate increase of 2% for the Police Officers Labor Council, rate to be applied across the board, and further, direct the City Manager and City Attorney to prepare an addendum to the 2006-2009 POLC Labor Agreement reflecting the approved increase and authorize the Mayor and City Clerk to execute the addendum on behalf of the City for the 3rd year commencing July 1, 2008 through June 30, 2009.

Discussion Took Place.

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

Police Fang Position Renewal

Resolution No. 080623-08

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro-Tem Christie

WHEREAS, the City of Swartz Creek has assigned an Officer to the Flint Area Narcotics Group from June 2004 through June 2008, under the specifications set forth in Resolution #040223-10, as follows:

Flint Area Narcotics Group (FANG) Position

Resolution No. 040223-10

(Carried)

*Motion by Councilmember Shumaker,
Second by Mayor Pro-Tem Christie,*

The Swartz Creek City Council approves the assignment of one police officer to the Flint Area Narcotics Group, subject to a minimum 50% funding contribution from or through the Flint Area Narcotics Group, for a term not to exceed three years and/or subject to termination at the discretion of the City Council, in accordance with the membership agreement between the City of Swartz Creek and the Flint Area Narcotics Group and operating rules set forth by the Executive and/or Operation Boards of the Flint Area Narcotics Group.

Discussion ensued.

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

And; **WHEREAS**, on February 12, 2007, the Swartz Creek City Council extended the assignment for an additional year, expiring in June 2008; and

WHEREAS, the City of Swartz Creek finds it feasible, economical and in the interest of the safety and well being of the community to continue and extend this assignment for a period of one year.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek hereby approve the re-assignment of one police officer to the Flint Area Narcotics Group, subject to a minimum 50% funding contribution from or through the Flint Area Narcotics Group, for a term not to exceed one year, expiring in June 2009, and further, such assignment shall be subject to termination at the discretion of the Swartz Creek City Council, in accordance with the membership agreement between the City of Swartz Creek and the Flint Area Narcotics Group and operating rules set forth by the Executive and/or Operation Boards of the Flint Area Narcotics Group.

Discussion Took Place.

YES: Adams, Christie, Hicks, Shumaker, Abrams.

NO: None. Motion Declared Carried.

Appropriation, Bid Award, Audit Services

Resolution No. 080623-09

(Carried)

Motion by Councilmember Adams

Second by Councilmember Hicks

I Move the City of Swartz Creek accept the sole bid of Plante – Moran, for audit services commencing with the City’s Fiscal Year of 2007-2008, ending 2012, and appropriate an amount not to exceed \$19,900 for the first year, \$19,265 for the second year, \$20,055 for the third year, and \$20,875 for the fourth year.

Discussion Ensued.

YES: Hicks, Shumaker, Abrams, Adams.

NO: Christie. Motion Declared Carried.

Replace Phone System, City Hall & Police Department

Resolution No. 080623-10

(Carried)

Motion by Councilmember Adams

Second by Councilmember Hicks

I Move the City of Swartz Creek appropriate an amount not to exceed \$3,586, plus 15% contingency, for the purchase and installation of a Partner – Avaya ACS R7.0 phone and voice messaging system, to be installed in the City Hall and Police

Department, funds to be distributed according to usage at the direction of the City's Finance Director.

Discussion Took Place.

YES: Hicks, Shumaker, Abrams, Adams, Christie.

NO: None. Motion Declared Carried.

Appropriation & Bid Award, Purchase Road Salt

Resolution No. 080623-11

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Adams

Whereas, the City possesses the need to purchase 980 tons of rock salt for application to public rights of way during those long, cold Michigan winters; and

Whereas, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

Whereas, the Genesee County Road Commission accepts and awards bids for the purchase of rock salt for application to public rights of way during those long, cold Michigan winters; and

Whereas, a bid has been awarded to the lowest bidder, Detroit Salt Company of 12841 Sanders, Detroit, at a unit cost of \$41.43 per ton, a copy of the bid tabulation attached hereto, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission.

Now, Therefore, Be It Resolved, that the Swartz Creek City Council accept the Genesee County Road Commission's cooperative purchasing extension and appropriate an amount not to exceed \$40,602, plus 10% contingency, for the purchase of rock salt from the low bidder of Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City's Finance Director.

Discussion Ensued.

YES: Shumaker, Abrams, Adams, Christie, Hicks.

NO: None. Motion Declared Carried.

Eagle Scout Project, Winshall Park Tennis Court Renovations

Resolution No. 080623-12

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Chrisite

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

WHEREAS, Mr. Schopieray has devised a community construction project as the focus of the Eagle Scout project that consists of various renovations and repairs of the Winshall Park Tennis Courts; and

WHEREAS, the City is aware of the need for certain repairs to the Winshall Park tennis Courts, such repairs being minor and not involving any machinery, power tools or other tools that might be considered to be dangerous to operate; and

WHEREAS, Mr. Schopieray has identified the repairs and drafted a plan that has been approved by the Department of Public Works Director.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council approve the repairs as submitted by Eagle Scout Candidate Bryan Schopieray, under the direction and supervision of the Director of Public Works.

Discussion Took Place.

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

City Property Sale Concept, Phase I Environmental Study

Resolution No. 080623-13

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Adams

WHEREAS, the City of Swartz Creek owns certain property located at 5129 South Morrish Road, Tax ID #58-01-100-020 more commonly referred to as "The Blacksmith's Shop; and

WHEREAS, the property has a garage type structure located on it that has exceeded its useful life and needs to be removed or replaced; and

WHEREAS, the property lies within the City's DDA District and any improvements to this property would align with the City Council and DDA Board's plans for revitalization; and

WHEREAS, The City's Assistant Manager – Zoning Administrator has developed a plan wherein the property would be sold with an agreement to raze or reconstruct the building, bringing it in line with the City's plans for revitalization; and

WHEREAS, in order to sell the property under such stipulations, an environmental

study is advisable to determine the potential for contaminants, and further, three quotes have been obtained for such a study, the lowest being Applied Eco-Systems of Burton, in the amount of \$1,500.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek endorse the concept of the sale of the property, by competitive bid, under an agreement stipulating the removal or reconstruction of the existing structure and development in accordance with an acceptable use consistent with the Downtown Revitalization, specifications to be developed by the City Staff, subject to pre bid approval by the City Council.

BE IT FURTHER RESOLVED, that the City of Swartz Creek accept the low quote of Applied Eco-Systems of Burton Michigan, for \$1,500, to conduct a Phase I Environmental Study and bring all such documents back to the City Council for review and decision.

Discussion Ensued.

YES: Shumaker, Abrams, Adams, Christie, Hicks.

NO: None. Motion Declared Carried.

Hazard Property Conditions, 8506 Chesterfield

Resolution No. 080623-14

(Carried)

Motion by Councilmember Adams
Second by Mayor Pro-Tem Christie

I Move the City of Swartz Creek concur with the City's Assistant Manager – Zoning Administrator, and declare the property conditions, as they may relate to an in-ground swimming pool, located at 8506 Chesterfield Drive, Tax ID # 58-02-501-059, to be hazardous and a nuisance, in violation of the City Charter Chapter 10, Section 10-9, and further, direct the City Staff to order the cleanup and cover of an in-ground pool, by the property owner of record, to be completed no later than July 25, 2008 5:00 PM. Upon failure to comply, the City Staff is hereby authorized to enter upon the property and perform, or cause to be performed by a contractor qualified to do such work, all such repairs, cleanup and covering of the back-yard in-ground pool as a remedy to the nuisance, and further, to assess the actual and necessary expenses related to such nuisance abatement, against the tax roll, in accordance with City Charter.

Discussion Ensued.

YES: Abrams, Adams, Christie, Hicks, Shumaker.

NO: None. Motion Declared Carried.

Community Development Block Grant Project, Trail System **(Discussion Topic)**

Assistant City Manager Zettel made a brief presentation.

MEETING OPENED TO THE PUBLIC:

John Gilbert, 7459 Miller Road, talked about the Army statue for the Veteran's Memorial arriving on July 2, 2008.

REMARKS BY COUNCILMEMBERS:

Councilmember Adams talked about vending at Elms Park. Mr. Adams asked what the requirements for vending services were. City Manager Bueche stated that at this time there was just a verbal agreement with the current vendor. He stated that he would look into bidding out the service and creating an agreement. Mr. Adams spoke about the youth football league's vending practices. Mr. Adams talked about the Elms Road project that is in progress. He stated that there are pieces of concrete that are the size of softballs all over the road that are being thrown by vehicle tires into other vehicles, causing damage. Mr. Adams questioned whether the contractor could be contacted to take care of the debris problem. Mr. Bueche stated that he would take care of it. Mr. Adams talked about the scaffolding in front of Hank & Don's Bar. Mr. Zettel stated that they were re-doing most of the façade. Mr. Adams thanked the Council for excusing his absences from the Council meetings.

Councilmember Shumaker spoke about the ordinance prohibiting newspapers to be thrown onto residents' lawns. He talked about the Swartz Creek News hanging the Sunday newspaper on non-Flint Journal delivery addresses. He stated that he feels that it will be a problem this winter. Mr. Bueche stated that anyone who has a problem with it being delivered can contact the office and he would take care of it.

Mayor Abrams talked about his pastor returning from Astonia, near the Russian border. Mr. Abrams talked about the City of Swartz Creek beginning an association with Astonia as either a sister city or a friendship city. Mr. Abrams spoke about Toni Sanborn, who is the wife of a past Councilmember, having a heart attack and being hospitalized. Mr. Abrams referred to a Flint Journal article about the 15.9% increase in water fees. He stated that 8.5% was anticipated.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 9:00p.m.

Richard Abrams, Mayor

Mary Jo Clark,
Deputy City Clerk/Financial Officer