

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 03/24/2008**

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, Porath, Shumaker.

Councilmembers Absent: Adams, Hurt.

Staff Present: City Manager Bueche, City Attorney Mike Gildner, City Clerk Juanita Aguilar, DPS Director Tom Svrcek.

Others Present: Boots Abrams, Tommy Butler, Bob Plumb, Ron Schultz, Melinda Soper, Jim Florence, Robyn Rosenthal.

Motion by Mayor Pro-Tem Christie
Second by Councilmember Hicks

The Swartz Creek City Council excuses the absence of Councilmember Adams due to work commitments and Councilmember Hurt due to being on vacation.

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

APPROVAL OF MINUTES

Resolution No. 080324-01

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held March 10, 2008, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 080324-02

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Shumaker

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of March 24, 2008 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

Additional Reports and Communications added to agenda:

Correspondence from Fire Board Meeting regarding SCBA purchase.
Communication from Rowe Engineering regarding a seminar on Michigan Planning Enabling Act.

City Manager's Report

Resolution No. 080324-03

(Carried)

Motion by Councilmember Shumaker
Second by Mayor Pro-Tem Christie

I Move the Swartz Creek City Council approve the City Manager's Report of March 24, 2008, to be circulated and placed on file.

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

Discussion Took Place.

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

MEETING OPENED TO THE PUBLIC:

6th District Commissioner Pat Lockwood made a presentation in reference to the status of some issues in the County; including the senior millage.

Tommy Butler, 40 Somerset, spoke about Ms. Lockwood's presentation and made some suggestions about communicating with each other.

COUNCIL BUSINESS:

Elms Road Project, M.D.O.T. Advance Construction Contract

Resolution No. 080324-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Shumaker

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, the City of Swartz Creek is a member of the Genesee County Metropolitan Planning Alliance, an urban transportation planning cooperative charged with allocating funds to eligible street authorities in Genesee County; and

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to Elms Road from the I-69 viaduct to the North City Limit, in conformance with the design plans prepared by the City's consulting engineer and approved by the Michigan Department of Transportation; and,

WHEREAS, the Genesee County Metropolitan Alliance and the Swartz Creek City Council has considered the making of such repairs and improvements in open session following the review of documents and the hearing of comments on the need from the city's engineer, staff and from the public, and further, design engineering plans have been drafted, submitted and approved by the Michigan Department of Transportation; and,

WHEREAS, the Elms Road Repair and Improvement Project has been obligated for funding and let for bid under the Michigan Department of Transportation using Surface Transportation Program funding sources, projected total project costs as follows:

	<i>Federal & MDOT</i>	<i>City Match</i>	<i>Sub-Total</i>
Construction	\$ 581,250	\$ 331,450	\$ 912,700
Design Engineering	-0-	\$ 30,000	\$ 30,000
Const Engineering	-0-	\$ 75,000	\$ 75,000
Jobs Today Loan Interest (4%, 26 Months, \$465,000)	-0-	\$ 40,300	\$ 40,300
TOTALS	\$ 581,250	\$ 476,750	\$ 1,058,000

NOW, THEREFORE, be it resolved that the City of Swartz Creek appropriate an amount not to exceed \$331,450, plus 5% contingency, from 202 Major Street Fund, for a total of \$348,022, as identified by MDOT Project / Contract Number STP-0825(013) – 08-5082, and further, direct the Mayor and City Clerk to enter into and execute an MDOT Advance Construction Agreement, a copy of which is attached hereto.

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

Elms Road Project, MDOT Jobs Today Pull Ahead Loan Agreement

Resolution No. 080324-05

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, the City of Swartz Creek is a member of the Genesee County Metropolitan Planning Alliance, an urban transportation planning cooperative charged with allocating funds to eligible street authorities in Genesee County; and

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to Elms Road from the I-69 viaduct to the North City Limit, in conformance with the design plans prepared by the City's consulting engineer and approved by the Michigan Department of Transportation; and,

WHEREAS, the Genesee County Metropolitan Alliance and the Swartz Creek City Council has considered the making of such repairs and improvements in open session following the review of documents and the hearing of comments on the need from the city's engineer, staff and from the public, and further, design engineering plans have been drafted, submitted and approved by the Michigan Department of Transportation; and

WHEREAS, the City of Swartz Creek has approved, executed and entered into Michigan Department of Transportation Contract # STP-0825(013) – 08-5082 for the repair of South Elms Road from the I-69 viaduct to the North City Limits; and

WHEREAS, the Governor's Office for the State of Michigan introduced a plan that was adopted by the Michigan State Legislature, entitled "Local Jobs Today Pull Ahead Program" that provides for low interest loans to local street authorities to construct approved highway projects from future Federal Funding Years, allowing projects to be pulled ahead and constructed before the distribution of obligated funds; and

WHEREAS, the Elms Road repair and improvement project is an approved and obligated project for the year 2010 and qualifies for the Michigan Local Jobs Today Pull Ahead Program, and further, application has been submitted and approved by the Michigan Department of Transportation for advance construction, in the amount of \$465,000 with an additional \$116,250 to be provided by the State of Michigan for participation in the program; and

WHEREAS, the Elms Road Repair and Improvement Project Local Jobs Today Pull Ahead Program construction loan and amortization schedule is estimated to be as follows:

	<i>Fed Advance</i>	<i>State Match</i>	<i>City Match</i>	<i>Total Construction</i>
Construction	\$ 465,000	\$ 116,250	\$ 331,450	\$ 912,700
\$465,000 @ 4% Interest, Estimated 26 Months @ \$1,550 Per Month	-0-	-0-	\$ 40,300	\$ 40,300

NOW, THEREFORE, be it resolved that the City of Swartz Creek accept the advance construction loan under the terms of the Michigan Local Jobs Today Pull Ahead Program, in the amount of \$465,000 and appropriate an amount not to exceed \$40,300, plus 15% contingency, from 202 Major Street Fund, for a total of \$46,345, loan interest as identified by MDOT Project / Contract Number STP-0825(013) – 08-8082, and further, direct the Mayor and City Clerk to enter into and execute an MDOT and City of Swartz Creek Local Jobs Today Program Loan Contract, a copy of which is attached hereto.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

Addition of Sections of Parkridge Parkway to the MDOT Local Street System Map-Parkridge Parkway

Resolution No. 080324-06

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek has acquired title to Parkridge Parkway before December 31, 2007; and,

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED,

1. That the centerline of said street is described as:

All that part of Park Ridge Parkway as platted in the recorded plat of Park Ridge Subdivision No. 3 recorded in Liber 76, Pages 34 & 35 and Park Ridge Subdivision No. 4 recorded in Instrument #200107050066921, Genesee County Records.

2. That said street is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public before December 31, 2007.

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

Addition of Birch Lane to the MDOT Local Street System Map

Resolution No. 080324-07

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek has acquired title to Birch Lane before December 31, 2007; and,

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED,

1. That the centerline of said street is described as:

All that part of Birch Lane as platted in the recorded plat of Park Ridge Subdivision No. 3 recorded in Liber 76, Page 34 & 35, Genesee County Records.
2. That said street is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public before December 31, 2007.

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

Addition of Hickory Lane to the MDOT Local Street System Map

Resolution No. 080324-08

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek has acquired title to Hickory Lane before December 31, 2007; and,

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED,

1. That the centerline of said street is described as:

All that part of Hickory Lane as platted in the recorded plat of Park Ridge Subdivision No. 4 recorded in Instrument #200107050066921, Genesee County Records.

2. That said street is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public before December 31, 2007.

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

Addition of Mountain Ash Lane to the MDOT Local Street System Mao

Resolution No. 080324-09

(Carried)

Motion by Mayor Pro-Tem Christie
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek has acquired title to Mountain Ash Lane before December 31, 2007; and,

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED,

1. That the centerline of said street is described as:

All that part of Mountain Ash Lane as platted in the recorded plat of Park Ridge Subdivision No. 3 recorded in Liber 76, Pages 34 & 35, Genesee County Records.

2. That said street is located within a City right-of-way and is under the control of the City of Swartz Creek.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public before December 31, 2007.

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

Deletion of Raubinger Road Bridge from the MDOT Local Street System Map

Resolution No. 080324-10

(Carried)

Motion by Mayor Abrams
Second by Mayor Pro-Tem Christie

WHEREAS, the City of Swartz Creek and the Genesee County Road Commission entered into an agreement on December 17, 2007 that provides for the transfer of jurisdiction from the City to the Genesee County Road Commission, along with all interest, responsibilities for repair and maintenance, of a portion of Raubinger Road and the Bridge on Raubinger Road south of Miller Road; and,

WHEREAS, the Genesee County Road Commission has accepted the bridge under its jurisdiction along with a Critical Bridge Funded Repair Grant; and

WHEREAS, the City, in compliance with the terms of the agreement with the Genesee County Road Commission, desires to abandon its certification under the State of Michigan Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended, and transfer its authority as such to the Genesee County Road Commission.

NOW THEREFORE BE IT RESOLVED, the City of Swartz Creek hereby vacates the Raubinger Road Bridge as described below:

1. Bridge Number B01 of 25-10-29
2. Structure Number 2870.

3. A parcel or land described as beginning at the North ¼ corner of Section 1, Township 6 North, Range 5 East, Gaines Township, Genesee County, Michigan; thence N 88°12'29" E along the line common to the Townships of Gaines and Clayton 33.00 feet to the easterly right of way line of Raubinger Road; thence S 01°47'31" E along said easterly right of way line and parallel with the North and South ¼ line of Section 1, 213.55 feet to the centerline of Swartz Creek; thence S 70°09'36" W along said centerline, 69.42 feet to the westerly right of way line of Raubinger Road; thence N 01°47'31" W along said westerly right of way line and parallel with the North and South ¼ line of Section 1, 51.05 feet; thence S 88°12'29" W along said westerly right of way line, 17.00 feet; thence N 01°47'31" W along said westerly right of way line and parallel with the North and South ¼ line of Section 1, 184.00 feet to the line common to the townships of Gaines and Clayton; thence N 88°12'29" E along said township line, 50.00 feet to the point of beginning. Parcel contains 0.41 acres of land (17,932 square feet).

BE IT FURTHER RESOLVED, that all interest be transferred to the Genesee County Road Commission; except that the City retain, if necessary, easement interest in the property for purposes of water main ownership, maintenance, and repair of the water main located thereon.

Discussion Ensued.

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

Auction Sale of Used Police Vehicle

Resolution No. 080324-11

(Carried)

Motion by Councilmaker Shumaker
Second by Mayor Pro-Tem Christie

I Move the City of Swartz Creek authorize the competitive auction of a used police vehicle, being a 2004 Ford Crown Victoria Police Interceptor, VIN: 2FAHP71W74X139405, Black 4 Dr, showing 80,226 odometer miles, at the Genesee County Purchasing Departments' Governmental Auction, date and location yet to be determined, vehicle to be sold in accordance with Genesee County Purchasing Policy, proceeds to be placed into the City's Motor Pool Fund.

Discussion Took Place.

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

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker thanked the DPS for having the street sweeper out. He stated that it seemed to be working very well. Mr. Shumaker stated that he was happy that all of the City Council members were at the meeting on the preceding Wednesday. He stated that he attended the Fire Board meeting and was concerned about several things, including the operating rules for the Fire Board.

Councilmember Porath talked about the Hazardous Waste Recycling. He wondered if it would be put on the notices for water and sewer. Mr. Porath also wondered if new calendars would be out soon for recycling. Mr. Porath spoke about Ms. Lockwood and the regional center for the seniors.

Mayor Pro-Tem Christie spoke about the Fire Board discussion. He stated that the Fire Board voted to proceed forward with the grant application through FEMA. He stated that they would go out for bids again on the SCBA equipment.

Mayor Abrams talked about the use of cold patch and an article in the Flint Journal about a man who goes around fixing pot holes. He questioned Director of Public Services Tom Svrcek about the article. Mr. Svrcek stated that he just met with the gentleman and would advise the City Council when a demonstration was scheduled. Mr. Abrams spoke about getting information to the general public and the use of the internet.

ADJOURNMENT:

There being no objection, Mayor Abrams declared the meeting adjourned at 8:25 p.m.

Richard B Abrams, Mayor

Juanita Aguilar, City Clerk