

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 10/11/2010**

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, City Attorney Mike Gildner.

Others Present: Boots Abrams, Sharon Shumaker, Tommy Butler, Steve Shumaker, Charles Brunette, Angela Zuck, Richard Deneen.

APPROVAL OF MINUTES

Resolution No. 101011-01

(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 September 27, 2010, 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. 101011-02

(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 October 11, 2010 to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 101011-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the City Manager’s Report of October 11, 2010, to be circulated and placed on file.

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

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

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Dr., questioned different ways to pay for the roads in Springbrook and Heritage. Mr. Shumaker wanted to remind the City that the first proposal on the November ballot will be a proposal for a constitutional convention for the state.

Tommy Butler, 40 Somerset, spoke about medical marijuana. Mr. Butler stated that Dryden is now in the zoning process to change how they will handle it in their city.

Evelyn Woodward, Springbrook East, asked about the roads in Springbrook. Ms. Woodward wanted to know why money that was paid to Mr. Nemer by the residents wasn’t put in escrow if the City was going to take care of the streets. Discussion ensued with City Manager Bueche.

COUNCIL BUSINESS:

Appropriation, Phase II Sewer Manhole Rehabilitation

Resolution No. 101011-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

WHEREAS, on January 12, 2009, the City initiated Phase I of a sanitary sewer manhole rehabilitation program under the following resolution:

Bid Award & Appropriation, Phase I Sewer Rehabilitation Project Manhole Repair

Resolution No. 090112-04

(Carried)

*Motion by Councilmember Hicks
Second by Councilmember Binder*

WHEREAS, the City is charged with preserving the health, safety, and welfare of its residents and consummate to this, provides public utilities inclusive of a sanitary sewer system; and

WHEREAS, the city's sanitary sewer system is 50+ years of age and although still quite functional, is in need of maintenance and repair in order to extend and renew its longevity; and

WHEREAS, the City and its engineers, under increasing demand from the Federal Environmental Protection Agency, the Michigan Department of Environmental Quality and the Genesee County Division of Water & Waste Services, have developed a plan to abate infiltration and inflow by relining the sanitary sewers thus extending the life indefinitely; and

WHEREAS, in conjunction with the relining of the sanitary sewer lines, the re-habilitation of the man-holes is also warranted as the age and subsequent deterioration is the source of large quantities of inflow surface water; and

WHEREAS, the City's Engineer developed specifications for the repair of the structures and let the project to bid with three returns ranging from a high of \$33,265 to the low of \$16,729, with Young's Environmental of Flint Michigan being the low bidder; and

WHEREAS, the Staff and City Engineer has identified a section of sanitary sewer, containing 22 man-holes, within the Winchester Woods Subdivision that have a high cost – benefit ratio for repair, as the location is in drainage ditches within the road right of way.

NOW, THEREFORE, I Move the City of Swartz Creek approve Phase I of the City's Sanitary Sewer Man-Hole Rehabilitation Program and appropriate an amount not to exceed \$16,729, plus 15% contingency, from the Sewer Fund 590, to the low bid of Young's Environmental of Flint Michigan, for the rehabilitation of 22 sanitary sewer man-hole structures located along Valleyview, Birchcrest and in the backyards of houses between Seymour and Birchcrest, in accordance with the bid specifications attached hereto, and further direct the Mayor and City Clerk to execute all necessary documents and contracts.

Discussion Took Place.

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

NO: None. Motion Declared Carried.

And;

WHEREAS, the City Council determines the need to continue the program based on all the reasons set forth in the resolution adopted on January 12, 2009; and

WHEREAS, the City Staff and Engineer has evaluated the sanitary sewer system and determined that the highest cost to benefit ratio for repair of manholes lies within the 6000 Block of Bristol Road and the 6000 Block of Miller Road; and

WHEREAS, the contractor bid the project on multi-year price extensions and has provided a proposal to the City to complete such repairs on a price extended time and materials basis.

NOW, THEREFORE, I Move the City of Swartz Creek approve Phase II of the City's Sanitary Sewer Manhole Rehabilitation Program and appropriate an amount not to exceed \$26,450, plus 10% contingency, to Young's Environmental of Flint Michigan, for the rehabilitation of up to 21 sanitary sewer man-hole structures as follows:

Ditch Line Locations:

SE Corner of Miller & Elms
6203 Miller
In front of Restaurant
East of Restaurant
6144 Miller
6176 Miller
6206 Miller
Across from Cornerstone Church near 55 sign
6300 Miller
6509 Bristol
6483 Bristol
6457 Bristol
6419 Bristol
6383 Bristol
6363 Bristol
6299 Bristol
6269 Bristol
6257 Bristol
6231 Bristol
-6211 Bristol-----|----- Will look at
-6179 Bristol-----|----- but may not require work.

19 Locations of Chimney Liners
17 Locations of Re-Do Frames/Covers
6 of these will need chimney reconstruction
Total of Project: \$26,450.00

in accordance with the bid pricing and specifications awarded on January 12, 2009, and further, direct the Mayor and City Clerk to execute all necessary documents and contracts

Discussion Took Place.

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

Property Acquisition, 3350 S. Dye ID # 58-29-551-028 & 3386 S Dye ID # 58-29-551-026

Resolution No. 101011-05

(Carried)

Motion by Councilmember Binder
Second by Councilmember Hurt

I Move the City of Swartz Creek approve the acquisition of two parcels of property, 3350 S. Dye, Tax ID# 58-29-551-028 & 3386 S. Dye, Tax ID# 58-29-551-026, from owner Gail M. Ricketts, the cost not to exceed \$1 each, plus all necessary costs for the preparation and filing of documents

related to the sale and/or transfer, and further, direct the Mayor and City Clerk to execute any and all documents on behalf of the City.

Discussion Ensued.

YES: Porath, Abrams, Binder, Hicks, Hurt, Krueger.
NO: Shumaker. Motion Declared Carried.

Set Public Hearing, Miller-Elms PUDD-PDD Amendment

Resolution No. 101011-06

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move the City of Swartz Creek set a public hearing for the regular Council Meeting of October 25, 2010, 7:00 PM, to hear public comments for proposed changes to the Miller – Elms Planned Unit Development District, specifically the southeast corner of Miller and Elms, and further, to make copies of such changes available to the public at the City Clerk’s Office, for inspection.

Discussion Took Place.

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

Water Rates

(Discussion Topic)

City Manager Bueche gave a brief update on the current water rates and what other jurisdictions charge for water services.

MEETING OPENED TO THE PUBLIC

Charles Brunette, 6329 Augusta, spoke about when Heritage was first being built. Mr. Brunette stated that in 1998 the City Council voted to waive the performance bond for Mr. Nemer. Mr. Brunette stated that in 2007, Mr. Nemer used Heritage Association funds to pay the light bill for Heritage; payment being made to the City. Discussion ensued between Mr. Brunette and Mr. Bueche as to how to handle the issues at Heritage, such as the maintenance of the pond.

Tommy Butler commended the Council for buying the two parcels on Dye Road.

REMARKS BY COUNCILMEMBERS:

Councilmember Shumaker spoke about the increased use of the Park and Ride lot. Mr. Shumaker stated that the parking has been overflowing onto the grass. Mr. Shumaker questioned property owned by the City on Morrish Road near Grove Street. Mr. Shumaker asked who owned the dumpster that is on the property. DPS Director Tom Svrcek explained that the dumpster is for emptying the street sweeper. Mr. Shumaker asked if

there were plans to do anything with the building on the property. Mr. Bueche stated that there are plans to tear it down.

Councilmember Hicks asked about the empty houses on Miller Road that have long grass. Ms. Hicks asked how long it has to grow before the City will cut it. Mr. Bueche stated that if it has clearly not been cut for a length of time, then the City will cut it. Mr. Bueche stated that he will take a look at the addresses in question. Ms. Hicks asked if the City takes care of painting the crosswalks. Ms. Hicks stated that there used to be a crosswalk at Winston that is no longer there. Mr. Bueche stated that he will speak with DPS Director Tom Svrcek and see if they can take care of it.

Councilmember Hurt thanked the people who spoke in the public sessions. Mr. Hurt stated that he found their comments and the discussion engendered by those comments to be helpful and educational.

Mayor Pro-Tem Porath spoke about the water rates. Mr. Porath questioned how the City bills so differently from everyone else.

Mayor Abrams questioned zoning issues with the medical marijuana. Mr. Bueche stated that he would have the City attorney look at the issue.

Executive Session, GM-SPO MTT Appeal

Resolution No. 101011-07

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

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

Resolution No. 101011-08

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Binder

I Move that the City of Swartz Creek accept the recommendation of the City Manager and City Attorney and proceed with the plan discussed in closed session.

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

Adjournment

Resolution No. 101011-09

(Carried)

Motion by Councilmember Hurt
Second by Councilmember Krueger

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:52 p.m.

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

Richard Abrams, Mayor

Juanita Aguilar, City Clerk