

**City of Swartz Creek  
AGENDA**

**Regular Council Meeting, Monday March 8, 2004 7:00 P.M.  
City Hall 8083 Civic Drive, Swartz Creek Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
  - 4A. Regular Council Meeting, February 23, 2004 MOTION Pg. 7, 11-21
5. **APPROVE AGENDA**
  - 5A. Proposed or Amended Agenda MOTION Pg. 7, 1
6. **REPORTS:**
  - 6A. [City Manager's Report](#) MOTION Pg. 7, 2-6
  - 6B. Planning Commission Minutes of March 2, 2004 Pg. 22-24
  - 6C. Park Board Minutes of February 18, 2004 Pg. 25-27
  - 6D. Rotary Centennial Project Data (*Agenda Item*) Pg. 28-31
  - 6E. Charter Amendment Procedure (*Agenda Item*) Pg. 32-34
  - 6F. Elected Officials Questionnaire Pg. 35-37
  - 6G. Police Rate Surveys (*Agenda Item*) Pg. 38-40
  - 6H. Personal Prop Tax Cut Data & Calculations Pg. 41-43
  - 6I. Guardrail Settlement Offer (*Agenda Item*) Pg. 44-45
7. **COMMUNICATIONS TO COUNCIL:**
  - 7A. Gateway – Racetrack Drainage Correspondence Pg. 46-49
  - 7B. Comcast Rate Increase Notice Pg. 50-51
  - 7C. MTA Correspondence Pg. 52
  - 7D. Mayor Exchange Communication Pg. 53
8. **MEETING OPENED TO THE PUBLIC:**
  - 8A. Mr. Jerry Heck, Genesee Valley Rotary Club PRES. Pg. 28
  - 8B. General Public Comments
9. **OLD BUSINESS:**
  - 9A. Charter Amendment, Sr. Activities and Building RESO. Pg. 8
10. **NEW BUSINESS:**
  - 10A. Special Land Use Permit, STAT Ambulance RESO. Pg. 8, 22-24
  - 10B. Insurance Settlement, Progressive Insurance Company RESO. Pg. 9, 44-45
  - 10C. Fire Board Appointment RESO. Pg. 9
  - 10D. Rate Classification, Part-Time Police Officers RESO. Pg. 9, 38-40
  - 10E. Employee Rate & Status Classification Change RESO. Pg. 10
11. **MEETING OPENED TO THE PUBLIC:**
  - 11A. General Public Comments
12. **REMARKS BY COUNCILMEMBER'S:**
13. **ADJOURNMENT:**

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**  
Regular Council Meeting, Monday March 8, 2004 7:00 P.M.

**TO:** Honorable Mayor, Mayor Pro-Tem & Council Members  
**FROM:** PAUL BUECHE // City Manager  
**DATE:** 5-March-2004

.....

## **OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

- ✓ **CITY PLANS, POLICIES & PROCEDURES** (*Status*)  
Pending...
- ✓ **PURCHASE & SALE OF CITY PROPERTIES** (*Status*)  
The County WWS has a desire to purchase the water line west of the City as well as the Brown Road plant. We will be visiting this subject as well as a significant amount of improvements to both the water and sanitary system over the next six months or so. We'll see where it heads.
- ✓ **MASTER PLAN UPDATE** (*Status*)  
The Draft Master Plan has been distributed, the official date being December 15<sup>th</sup>, 2003. In speaking with LSL, they suggest we move the Public Hearing in front of the Planning Commission to April 6<sup>th</sup>. The County has not yet responded with their comments. They have between 75 and 95 days and Carmine believes we should wait the maximum period of time out.
- ✓ **FIRE MILLAGE REQUEST – CAPITAL PURCHASE** (*Status*)  
We checked into the possibility of a federal grant based within the Homeland Security Appropriation and we fit most of the criteria set forth within the package specifics. I met with Supervisor Shumaker relative to the Purchase of the apparatus proposed by Brent at the last meeting. Mr. Shumaker is in support of the purchase if we can secure funding at the 90 – 10 ratio. Adam's working on the application and I'll be back within the near future to seek a resolution of committal.
- ✓ **GENESSEE VALLEY ROTARY CENTENNIAL PROJECT** (*Presentation*)  
As the Council is aware, the Genessee Valley Rotary Club has committed to the donation of a park pavilion in honor of the Rotary Centennial (100 year) Anniversary. Mr. Jerry Heck of the GVRC will be present at tonight's meeting to give a short presentation and time schedule on the donation. The event is slated for construction in late summer, starting with a groundbreaking ceremony prior to construction.
- ✓ **SR. CENTER ADDITION / MILLAGE REQUEST** (*Resolution*)  
The snapshot version of what's happening here is that the Senior Center has requested to build an addition to the existing site. While exploring this option, we discovered that when we put the operation levy request to the ballot in 2000, it was procedurally incorrect. At that time, as is now, we are at the maximum allowable charter limit to which we can levy (4.8533 mills) for this type of service, either as a Council Resolution or a ballot question. How it should have been done is through a

charter amendment. We need to go back and fix the operating levy via the statutory provisions for a charter amendment and ask an additional 0.5 mill levy for the building improvements. From here, and notwithstanding the fact that the voters have to approve the amendment, the agreement needs to be re-negotiated, a lease has to be executed and the building has to be planned and built. Additionally, the way we handle the accounting of revenues collected and disbursed needs to be pinned down. As I indicated in earlier reports, we are giving public dollars to a private not-for-profit charitable organization and the *City* is solely responsible for the accounting of these funds. The problems are certainly not insurmountable and the current arrangement will work, we just need to approach it from a different angle and get the housekeeping issues in order. I do not have the ballot language ready for tonight's meeting. I need to meet with the board and discuss issues related to the wording. I suspect this will occur this week. I'll re-visit the time frame issue and see if we are still OK in making the August Primary. If not, we may want to set a special meeting later this week to decide the matter. Again, there is another resolution delaying the decision for up to two more weeks.

- ✓ **OTHER NON-CITY MILLAGE REQUESTS** (*Status*)  
I will keep the council informed as these requests materialize.
- ✓ **WINSHALL PARK ARSON RECONSTRUCTION** (*Status*)  
Construction underway.
- ✓ **RACETRACK GAMING & "RACINO" PACKAGE** (*Status*)  
Just a bit of new data, the matter is in the Senate Gambling and Oversight Committee with hearings scheduled for March. Proponents of the package of legislation are still optimistic that it has a good chance of passing. We'll see.
- ✓ **CRAPO STREET LIGHTING** (*Status*)  
Installation is pending, as it has for almost a year now.
- ✓ **CHARTER REVISION** (*Status*)  
At the last meeting, a small committee was formed to look into the feasibility of text changes. We have scheduled a meeting for late March.
- ✓ **CITY WEB SITE** (*Status*)  
A template is up and working and can be viewed at [www.cityofswartzcreek.org](http://www.cityofswartzcreek.org). Take a look at it and let me know if you have any comments or suggestions. I'll be back soon to talk some more on this project to see how far the council wishes to go with it. We need some data from council members to upload into this site. Attached is a questionnaire (I will also place one at the council table). Please try and get them back to me as soon as possible so we can get this information programmed.
- ✓ **SANITARY CAPACITY, INFILTRATION & INFLOW** (*Status*)  
Pending.
- ✓ **2004 BUDGET** (*Status*)  
We're working on a draft.
- ✓ **D.D.A.** (*Status*)  
I'm not sure to what degree we may (or may not) have community support in this venture. Clearly, I think it would be beneficial, but without the support of those whom

live or operate businesses within the district, the results would be similar as to what we experienced with the last DDA. I'm going to prepare a short questionnaire to mail residents and business owners in order to assess the support that we can expect. When I get the results back, we'll discuss our commitment to the re-organization of the DDA.

✓ **STORM WATER ISSUES, GATEWAY-BURKESHIRE-TRACK-SWCE** (*Status*)

It appears as if there is activity from the property owners towards a settlement on this issue. I have a request in to the Drain Commissioner's office for the language creation of a petition for a Drain District Extension. As soon as they have the text prepared, I will have it back before the Council for consideration. At this point, we can review the status of the involved parties and make a determination if we wish to proceed or an agreement can be reached between the parties.

✓ **SUMMER FAMILY MOVIES** (*Status*)

The Fine Arts Association has passed a resolution allowing the City to use the theater for "Summer Family Movies", under a yet to be negotiated agreement that would address terms. We still have a long way to go on this project, the bottom line being cost effectiveness. I'm going to add a Fine Arts Board member to the study committee and kick it into high gear on the outside chance that if all goes well, we can still do something this summer. I should have a presentation at the next meeting or two.

✓ **MAYOR'S EXCHANGE** (*Status*)

The City of Saint Louis, located west of Saginaw along M-46, accepted our invitation to exchange Mayor's. Attached is a correspondence suggesting new tentative dates of Wednesday June 16<sup>th</sup>, 2004 wherein we'll go to Saint Louis, and Wednesday September 22<sup>nd</sup>, 2004 when Saint Louis will come here. Adam is working on an itinerary and some cost estimates and I hope to be back in the near future for a resolution. If these dates are a problem, please bring it up for discussion and we'll see if we can select some new ones.

✓ **MML LEGISLATIVE CONFERENCE** (*Status*)

Marla tells me the arrangements have all been set. Reservations have been made for four members, Councilmembers Hurt, Adams, Abrams and Plumb. Let me know if you need anything else.

✓ **LABOR AGREEMENTS** (*Status*)

Pending

## **NEW BUSINESS / PROJECTED ISSUES & PROJECTS**

✓ **SPECIAL LAND USE PERMIT, STAT AMBULANCE RELOCATION** (*Resolution*)

STAT Ambulance has requested a special land use permit to operate an ambulance base at 5304 Miller Road Miller Road. As discussed at a previous meeting, they wish to move out of the plaza and into this house. The impact on the neighborhood is minimal as the housing is primarily rental. Additionally, the code allows for this in a residential zone under a special land use permit available for "essential public services". We had to do likewise when they were within the plaza. The application was examined by the

Planning Commission with recommendation to approve. There was no opposition either via the administrative offices or presented at the Planning Commission Meeting. Staff recommends approval.

✓ **GUARDRAIL REPLACEMENT INSURANCE SETTLEMENT** (*Resolution*)

A bit ago, we appropriated \$10,060 from Major Street Fund to replace guardrails on the east and west side of Elms Road at Bristol. Both had been recently destroyed as a result of separate auto accidents. The vehicle from the accident on the east side was insured through Progressive. The west side had no insurance listed on the accident report. I invoiced both parties and to date have not heard from the party involved in the accident on the west side. Progressive will settle the east side accident for the replacement cost only, and not the upgrade. Their offer is \$3,555 leaving us the difference of \$1,475. It's probably not worth the effort to sue, but if the Council is inclined to settle, I will invoice the driver and vehicle owners for the difference. I recommend we settle. On the west side, we may have to initiate a District Court Action on this. I'll keep the Council Posted.

✓ **FIRE BOARD APPOINTMENT** (*Resolution*)

The "swing" position on the Fire Board returns to the City on April 1<sup>st</sup>. Mayor Abrams has selected Donna McCoy as the City's replacement for this position. Included with tonight's packet is a resolution looking to confirm the appointment.

✓ **EMPLOYEE RATE CHANGE** (*Resolution*)

In the Fall of 2003, Rick received a request from our part-time police officers that their wages be reviewed. I held off on the matter pending contract negotiations. As you may recall, these officers are non-union at-will and without benefit package employees and are given rate increases on a "whenever we get around to it" basis. The last rate increase was in July of 2000, from \$10 to \$12. Rate surveys from around the county conducted by both the part-time officers and again by Rick are included with tonight's documentation. As you can see, we are low. These employees are a valuable asset to the City and the Police Department would be crippled without them. A fair return as recommended by Rick is from \$12 to \$14 per hour. I concur with the recommendation and have included a resolution with tonight's packet.

✓ **EMPLOYEE RATE & CLASSIFICATION CHANGE** (*Resolution*)

As you may be aware, I've kind of removed Adam Zettel from a part time laborer in the DPW, where he's been since graduating from High School, to a quasi office position that catches "overflow" work from a variety of positions including Clerk, Finance, Assessor, DPW Director and City Manager. He's been instrumental in numerous projects including water rate calculations and recommendations, sanitary sewer capacity study, master plan, DDA re-vitalization, NPDES implementation, sidewalk repair implementation, drainage and related matters, grant research, and the list goes on. Additionally, he is instrumental in all site plan reviews and related issues on zoning, engineering and planning. He recently graduated from U of M with two bachelor degrees, Public Administration and Political Science. He will be attending either MSU or U of M in the fall to begin a Master's Program in Urban Regional Planning and Public Policy. In the process of negotiations with AFSCME, I was successful in removing him from the unit and I would like to create another part-time position that's just kind of out there. In other words, an at will, non-union part-time position that we can use him in until he returns to school. After that, we still will have use during school breaks, or even

assigned research projects. As a fair rate, I recommend \$15.90, without benefits and without supervisory duties, the same that we propose to pay the upper level office personnel in the tentative AFSCME Contract. A resolution creating the position is included with tonight's packet.

✓ **HB-4234, PERSONAL PROPERTY TAX REDUCTIONS** (*Info*)

Included with your packet you'll find some information on a recent proposed piece of legislation that will exempt portions of the personal property tax roll on a graduating basis. This legislation is flying through the House and the MML is concerned. Take a look at it along with the calculations on what it will cost us in revenue returns.

### **Council Questions, Inquiries, Requests and Comments**

- *Miller & Fairchild, Signage.* Pending a report from Rick.
- *Wireless Tower, Morrish & I-69.* Mr. Sabin, Properties Supervisor for the Road Commission assures me the County would approach us if they had an interest in the installation of a telecommunications tower on their site. They have no such plans or requests for such a structure.

**City of Swartz Creek  
RESOLUTIONS**

**Regular Council Meeting, Monday March 8, 2004 7:00 P.M.**

**Motion No. 040308-4A**

**MINUTES, FEBRUARY 23, 2004**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held February 23, 2004, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-5A**

**AGENDA**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the agenda as presented / printed / amended for the Regular Council Meeting of March 8, 2004, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-6A**

**CITY MANAGER'S REPORT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 8, 2004 as presented, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-9A**

**CHARTER AMENDMENT, SENIOR CITIZENS ACTIVITIES & BUILDING CONSTRUCTION**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council rescind resolution #040223-07 passed at the Regular Council Meeting of February 23, 2004, being;

***“Resolution No. 040223-07 (Carried)***

*Motion by Councilmember Porath,*

*Second by Councilmember Hurt,*

*The Swartz Creek City Council rescinds Resolution No. 040209-05, passed at the Regular Council Meeting of February 9, 2004, being:*

*The Swartz Creek City Council directs the City Attorney to prepare a ballot question requesting a twenty-year, one-half of one mill levy asking the voters of the City of Swartz Creek to approve funding for the construction of a Senior Citizens Center addition, and further, provide a draft lease Agreement for the Swartz Creek Area Senior Citizens Association to lease the premises at 8095 Civic Drive, and bring said ballot language and lease back to the City Council for review,*

*And further, directs the City Attorney to prepare a ballot question requesting a Charter Amendment that would provide for a 0.5 mill 20-year levy for operating and up to a 0.5 mill 20-year levy for building construction for Swartz Creek Area Senior Citizen Center Activities, to be brought back to the City Council for review at the next Regular Council Meeting.*

*YES: Abrams, Adams, Christie, Hurt, Porath, Shumaker.*

*NO: None. Motion declared carried.”*

And further, direct the City Manager to prepare a ballot question requesting a Charter Amendment that would provide for an up to 0.5 mill 20 year levy for operating and up to a 0.5 mill 20 year levy for building construction for Senior Citizen Activities, to be brought back to the City Council for review no later than the next regular Council Meeting.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-10A**

**SPECIAL LAND USE PERMIT, STAT AMBULANCE**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council Accept the recommendation of the Planning Commission and approve the Special Land Use Permit Application for “Ambulance

Crew Quarters” for STAT-EMS at 5304 Miller Road, Tax I.D. No. 58-29-551-019 as an essential public service within a Single Family Residential Zone

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-10B**

**PROGRESSIVE INSURANCE SETTLEMENT, ELMS & BRISTOL GUARDRAIL REPLACEMENT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council accept the offer of Progressive Insurance Company, Claims Division, in the amount of \$3,555 for the replacement of the guardrail on the east side of Elms Road at Bristol Road, destroyed as a result of a motor vehicle accident, and further, direct the Mayor and City Clerk to execute the settlement agreement as presented.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-10C**

**FIRE BOARD APPOINTMENT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council confirm the Mayor’s appointment of Donna L. Lindstrom to the Swartz Creek Area Fire Board for the term of April 1, 2004 through March 31, 2005

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-10D**

**RATE CLASSIFICATION, PART-TIME POLICE OFFICERS**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council accept the recommendation of the City Manager and Chief of Police and re-classify the hourly rate from \$12 per hour to \$14 per hour, without fringe benefits, for all Part-Time Police Officers, effective March 6, 2004 at 6:00 A.M.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Motion No. 040308-10E**

**EMPLOYEE RATE & STATUS CLASSIFICATION  
CHANGE**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council accept the recommendation of the City Manager and create a new job classification and description to be entitled "Assistant to the City Manager", position to be part-time (excepting emergency's, no more than 40 regularly scheduled hours), at-will, without fringe benefits and/or supervisory authority, F.L.S.A. Non-Exempt and further, to compensate the position at the rate of pay of \$15.90 per hour, retroactive from July 1, 2003.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**City of Swartz Creek**  
**COUNCIL MEETING MINUTES**  
**(Meeting of February 23, 2004)**

**CITY OF SWARTZ CREEK**  
**SWARTZ CREEK, MICHIGAN**  
**MINUTES OF THE COUNCIL MEETING**  
**DATE 02/23/04**

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 given.

Councilmen Present: Abrams, Adams, Christie, Hurt, Porath, Shumaker.

Councilmen Absent: Plumb.

Staff Present: City Manager Bueche, City Clerk Clark, Community Services Director Svrcek, Police Chief Clolinger, and City Attorney Keri Burba.

Others Present: Brent Cole, John Matonich, Pete LaMourie, Ron Schultz, Jim Florence, Boots Abrams, and Kevin Fritsch.

Councilmember Adams advised he had received a phone call from Councilmember Plumb regarding his inability to attend this meeting due to a family issue.

**Resolution No. 040223-01**

**(Carried)**

Motion by Councilmember Hurt,  
Second by Councilmember Adams,

The Swartz Creek City Council excuses the absence of Councilmember Porath due to a family issue.

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

**APPROVAL OF PREVIOUS COUNCIL MINUTES:**

**Resolution No. 040223-02**

**(Carried as amended)**

Motion by Councilmember Porath,  
Second by Councilmember Hurt,

The Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held February 9, 2004, with the addition of ***the tower*** in the first paragraph, third sentence, under the heading **High-Speed Internet Access**,

therefore to read "...and the tower would be up in about 30 days...", then to be circulated and placed on file.

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

#### **APPROVAL OF AGENDA:**

##### **Resolution No. 040223-03**

**(Carried)**

Motion by Mayor Pro-Tem Christie,  
Second by Councilmember Adams,

The Swartz Creek City Council approve the Agenda for the regular Council meeting of February 23, 2004, as presented, then to be circulated and placed on file.

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

#### **REPORTS:**

##### **City Manager's Report**

##### **Resolution No. 040223-04**

**(Carried)**

Motion by Councilmember Shumaker,  
Second by Councilmember Hurt,

The Swartz Creek City Council approves the City Manager's Report of February 23, 2004, as presented, to be circulated and placed on file.

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

Other reports were received and placed on file.

#### **COMMUNICATIONS TO COUNCIL:**

- Letter, Winchester Woods Residents
- Letters, Gateway-Racetrack-Burkeshire Drainage
- Waiver Request, Fire Department, Park Usage Fee (Agenda Item)
- Comcast Communications
- Letter, Mott Community College (Agenda Item)
- Legislative Report, Representative Gleason
- MML News Updates and Alerts

#### **MEETING OPENED TO THE PUBLIC:**

John Matonich, President and CEO of ROWE, Inc., was attending on behalf of Mott Community College, where he serves on the Regional Technology Center's Board of Directors. He thanked Swartz Creek for its support of Mott, and gave an update on the college and how it relates to the Swartz Creek community, noting Mott is the number one choice of Swartz Creek students. Mr. Matonich closed with the presentation of a Certificate of Appreciation to Council from the Mott Community College Board of Trustees.

## **OLD BUSINESS:**

### **Presentation by Pete LaMourie – Miller-Elms Traffic Impact Subarea Analysis**

Pete LaMourie from Progressive AE, the City's Traffic Engineer, stated his intention to summarize the corridor study done on the Miller-Elms Roads area. He noted proposed development, beginning with Springbrook East, had been one of the issues which precipitated the study. He advised the study entailed traffic counts, vehicle accidents by type, capacity analysis, background growth in traffic, and traffic projections, as well as predictive analysis of traffic the roads can anticipate based on proposed developments.

Mr. Lamourie noted the current three-lanes on Miller Road are working well in regard to safety, efficiency, bicyclist access, and lower average speeds, in spite of concerns expressed by the community.

Mr. LaMourie informed those present the intersection movements are operating at acceptable levels of service, with the left-turn movements being at the poorest levels which are often the case along busy corridors. He suggested future acceptable levels could be attained with two improvements being made: (1) installation of an upgraded traffic signal to include left-turn phasing; and (2) restriping of westbound Miller at Elms to have one westbound through and one through-right lane, with the additional westbound lane extending west as a continuous right-turn lane to the western Kroger drive.

Discussion ensued regarding the information presented by Mr. LaMourie and suggested additional measures to improve conditions along the Miller Road/Elms Road corridor.

**Resolution No. 040223-05**

**(Carried)**

Motion by Councilmember Adams,  
Second by Councilmember Hurt,

The Swartz Creek City Council accept and affix to the official meeting minutes the Traffic Impact Subarea Analysis of the Miller-Elms PDD, as presented by the City's Traffic Engineer Pete LaMourie, of Progressive AE; and, further, apportion costs for the study to participating businesses located within the study area.

YES: Abrams, Adams, Christie, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

### **Presentation by Fire Chief Brent Cole – Capital Purchase**

Chief Cole stated he was at tonight's meeting to explain the Swartz Creek Area Fire Department should purchase the reasons he believes a 75-foot aerial/engine combination truck. He presented photographs of types of buildings being built in the jurisdiction of the Fire Department, for which a 75-foot aerial truck would facilitate more safe fire suppression activity. He noted the area's good ISO rating is in jeopardy inasmuch as we had been rated with five engines and are now down to three; said ISO rating being associated with cost of insurance for the municipality. Chief Cole offered further rationale for the purchase. He advised the projected cost would be approximately \$512,000, and discussion took place regarding possible payment options. Council was advised Chief Cole continues to look into grants available for this type of purchase.

Further discussion ensued.

### **Park Fee Waiver Request – Swartz Creek Area Fire Department**

**Resolution No. 040223-06**

**(Carried)**

Motion by Councilmember Hurt,  
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council waive the Elms Road Park Pavilion #2 usage fees for the Swartz Creek Area Firefighter Association, and approve the use of the park for Saturday, August 28, 2004, from 10:00 a.m. to 8:00 p.m.

YES: Abrams, Adams, Christie, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

Recess called at 8:10 p.m. Meeting reconvened at 8:20 p.m.

### **Senior Center Addition – Millage Request**

**Resolution No. 040223-07**

**(Carried)**

Motion by Councilmember Porath,  
Second by Councilmember Hurt,

The Swartz Creek City Council rescinds Resolution No. 040209-05, passed at the Regular Council Meeting of February 9, 2004, being:

*“The Swartz Creek City Council directs the City Attorney to prepare a ballot question requesting a twenty-year, one-half of one mill levy asking the voters of the City of Swartz Creek to approve funding for the construction of a Senior Citizens Center addition, and further, provide a draft lease Agreement for the Swartz Creek Area Senior Citizens Association to lease the premises at 8095 Civic Drive, and bring said ballot language and lease back to the City Council for review,”*

And further, directs the City Attorney to prepare a ballot question requesting a Charter Amendment that would provide for a 0.5 mill 20-year levy for operating and up to a 0.5 mill 20-year levy for building construction for Swartz Creek Area

Senior Citizen Center Activities, to be brought back to the City Council for review at the next Regular Council Meeting.

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

**Ordinance Amendment – Drain Permit-Maintenance Process**

**Resolution No. 040223-08**

**(Carried)**

Motion by Mayor Pro-Tem Christie,  
Second by Councilmember Adams,

The Swartz Creek City Council amend the Code of Ordinances, and adopt Ordinance 376, to read as follows:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 376**

An ordinance to amend Chapter 15 of the Code of Ordinances of the City of Swartz Creek to add thereto a new Article IV to provide for the maintenance of drains, to require permits for construction of and in drains, to provide for the establishment of drain zones, and to provide for special assessments for creation and maintenance of drains by the City; and to provide penalties for certain violations thereof

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Amendment of Code of Ordinances.**

Chapter 15 of the Code of Ordinances of the City of Swartz Creek is hereby amended to add thereto a new Article IV to read as follows:

**Section 15-401. Definitions.**

"Drain," whenever used in this Code, shall include the main stream or trunk and all tributaries or branches of any creek or river, any watercourse or ditch, either open or closed, any covered drain, any storm sewer or conduit composed of tile, brick, concrete, or other material, any structures or mechanical devices and any pumping equipment necessary to assist or relieve the flow of such drains, and any levee, dike, barrier, detention/retention pond or a combination of any or all of same constructed, or proposed to be constructed, for the purpose of drainage and control of storm water.

"Drain zone," whenever used in this Code, shall mean one or more properties determined by the city under procedures set forth in this Article to include all properties served by a particular drain.

**Section 15-402. Condition for Issuance of Building or Zoning Permit.**

No zoning or building permit shall be issued for any property until the city determines that adequate provision has been made for the drainage of the property for which the zoning or building permit is to be issued, and that the drainage of the property will be conducive to the public health, convenience and welfare with respect to the property being developed and neighboring properties.

**Section 15-403. Establishment, Construction and Maintenance of Drains.**

Subject to any provision of state or federal law, the city may determine the location and require the establishment, construction, and maintenance of drains, including branches thereof, and the cleaning out, straightening, widening, deepening, extending, consolidating, relocating, tiling, and connecting and relocating of existing drains, creeks, rivers and watercourses and their branches, or tributaries within the city; and the city may determine the location and require the establishment, construction, and maintenance of structures or mechanical devices that will properly purify or improve the flow of the drain or pumping equipment necessary to assist or relieve the flow of the drain whenever the same shall be conducive to the public health, convenience and welfare.

**Section 15-404. Easements; Maintenance; Assessment Against Property.**

Whenever a drain is established as provided for in this Article, the City shall, as a condition of the issuance of any zoning or building permit, require the applicant for such permit to secure in the name of the City of Swartz Creek and the Genesee County Drain Commissioner, jointly, any easements determined necessary by the City for the establishment, construction, and maintenance of said drain, whether said easements be on the property proposed for development or on other property. Said easements shall provide that the city and/or the drain commissioner, or their duly authorized agents, may use, enter upon and preserve such easement or right of way for maintenance of the visible drain and any other lawful activity with respect to the same and may exercise any rights granted to them in the written easement, and that the cost of such maintenance may be assessed against the property on which the drain is located and collected in the same manner as property taxes.

**Section 15-405. Recording of Easements.**

The city shall cause any easement or right of way obtained by it in connection with any proposed drain or drains to be recorded in the office of the register of deeds, and no drain shall be cleaned, relocated, deepened, widened, straightened, extended, tiled or consolidated until the easement or right of way for same has been recorded in the office of the register of deeds.

### **Section 15-406. Obstructing Drains**

No person shall do anything to any drain that will in any manner obstruct or interfere with the flow of water through such drain, and any property owner, lessee or tenant of any property through which a drain passes shall keep and maintain the same free from any obstructions that will in any manner prevent or retard the flow of water through such drain, except that a drain may be filled or altered if a permit to do so has been obtained from the city.

### **Section 15-407. Constructing and Maintaining Drains.**

No person shall construct, reconstruct, alter, repair, install or maintain any drainage structure in any drain or other natural watercourse or channel carrying storm water unless a permit to do so has been obtained from the city. All costs associated with obtaining such permit, whether direct or indirect, inclusive of design engineering and inspection fees, shall be the responsibility of the applicant.

### **Section 15-408. Obstruction or Construction Without a Permit.**

Any person who violates the provisions of section 15-406 or section 15-407, above, shall, at the direction of the city, remove the obstruction or structure and restore the drain to the condition it was in prior to such obstruction or construction. If such person fails to do so within 30 days of being notified to do so (or within 5 days if the obstruction or construction creates a health hazard for which emergency action is necessary to alleviate), then the city may take such action as shall be necessary to remove the obstruction or structure and restore the drain to the condition it was in prior to such obstruction or construction, and the costs incurred for same by the city shall be collected from the person causing such obstruction or construction. Where the obstruction or construction is on the property owned by the person causing same, the city's costs may be assessed against said property and collected in the same manner as property taxes.

### **Section 15-409. Sanctions.**

A person or firm who violates any provision of this Article shall be responsible for a municipal civil infraction and shall be subject to the sanctions provided for in Section 1, Article II, 1-21 through 1-25 of this Code.

### **Section 2. Effective Date.**

This ordinance shall become effective 30 days after publication.

At a regular meeting of the City Council of Swartz Creek held on the 23 day of February, 2004, \_\_\_\_\_ moved for adoption of the ordinance and \_\_\_\_\_ supported the motion.

Voting for:  
Voting against:  
Absent:

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
Richard Abrams  
Mayor

I, \_\_\_\_\_, City Clerk in and for the City of Swartz Creek, hereby certify the preceding ordinance was adopted by the Swartz Creek City Council at its regular meeting held February 23, 2004, and published in The Swartz Creek News on \_\_\_\_\_, 2004.

CORRECT ATTEST:

\_\_\_\_\_  
, City Clerk

Publish Date:

Effective Date:

Discussion ensued.

**Resolution No. 040223-09**

**(Defeated)**

Motion by Councilmember Shumaker,  
Second by Councilmember Adams,

The Swartz Creek City Council amends Section 15-407 of proposed Ordinance No. 376 in that if the drain is within three courses of the normal brick height no permit is needed.

Discussion ensued.

YES: Shumaker.

NO: Abrams, Adams, Christie, Hurt, Porath. Motion defeated.

Additional discussion took place.

**Roll Call Vote on Resolution No. 040223-08**

YES: Abrams, Adams, Christie, Hurt, Porath, Shumaker.

NO: None. Motion declared carried.

**NEW BUSINESS:**

**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.

**Ordinance Amendment – Zoning Code**

City Manager Bueche stated he wanted to advise Council what he planned on doing in regard to amending the Zoning Code, and elicit their opinions.

He noted once the Master Plan is completed, it will be necessary to amend Appendix A-Zoning. Mr. Bueche referenced the City of Flushing Zoning Ordinance which was recently redrafted by ROWE, Inc., into a very reader-friendly format and at about one-tenth the size of our current Appendix A-Zoning. The City Manager noted he contacted Flushing City regarding the Flushing City Zoning Code; they stated if it were a simple recodification and arrangement it would be about \$15,000 and a complete rewrite would be about \$25,000.

City Manager Bueche suggested looking into ROWE, Inc., and/or the City Attorney's Office doing the work on our Zoning Ordinance.

After some discussion, it was decided City Manager Bueche would research this issue and report back in approximately four weeks.

**MEETING OPENED TO THE PUBLIC:**

Boots Abrams, 5352 Greenleaf Drive, thanked Council for allowing the Fire Chief to give his presentation. She stated her major concern is the safety of firefighters.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath mentioned a letter from Stevenson & Company regarding liability insurance.

Mayor Pro-Tem Christie inquired regarding the County's interest in purchasing the Brown Road property from the City. City Manager Bueche noted County Water and Waste Services has expressed interest in the water line west of the City as well as the Brown Road plant, and he has advised them they must submit something in writing. Mayor Pro-Tem asked about the wireless tower mentioned in the Manager's Report. Mr. Bueche had contacted the County

Road Commission, and they stated no wireless tower would be put on County property, certainly not before talking with the City. The City Manager did advise T-Mobile is to construct a cell tower within 30-45 days on City property between Raubinger and where Grove Street ends. Mayor Pro-Tem Christie commended Police Chief Clolinger on his comments in The Flint Journal last week regarding the student involvement in prescription drug sales.

Councilmember Shumaker also thanked Chief Clolinger for his comments in the newspaper. Although not sure of locations, Councilmember Shumaker advised hazardous waste pickup is May 8<sup>th</sup>. Also, he noticed dogs tearing up garbage bags in the Winchester Woods Subdivision.

Councilmember Adams also praised Chief Clolinger for his comments in the newspaper. He spoke regarding the situation in Wood Creek Manor Subdivision in Clayton Township where the park owner and residents are talking about building a facility to house a fire engine. The Fire Chief has promised to house a fire truck at this location, probably being Engine #12, which would leave the citizens of Swartz Creek covered by one fire engine. He stated there is a need for an aerial truck, but he hoped the placement would be where it could be of the most benefit, specifically in a more densely populated area.

Councilmember Hurt advised he would not be in attendance at the first meeting in March. City Manager Bueche noted the meeting regarding Charter Revision will need to be rescheduled, since Councilmember Hurt will be out of town.

Mayor Abrams recognized City Attorney Burba.

#### **EXECUTIVE SESSION:**

##### **Resolution No. 040223-11**

**(Carried)**

Motion by Councilmember Adams,  
Second by Mayor Pro-Tem Christie,

The Swartz Creek City Council, at the request and recommendation of the City Manager, and in compliance with the Open Meetings Act, moves into executive session to discuss pending labor agreements.

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

Council went into Executive Session at 9:10 p.m.

#### **ADJOURNMENT:**

##### **Resolution No. 040223-12**

Motion by Mayor Pro-Tem Christie,  
Second by Councilmember Adams,

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 9:50 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, City Clerk

**City of Swartz Creek**  
**PLANNING COMMISSION MEETING MINUTES**  
**(Meeting of March 2, 2004)**

MINUTES OF PLANNING COMMISSION MEETING  
March 2, 2004

Meeting called to order at 7:00p.m. by Chairman Stephens.

Pledge of Allegiance.

**ROLL CALL:**

Members present: Abrams, Florine, Hurt, Kolhoff, Ridley, Stephens, Wilson.

Members absent: Bueche, Conner.

Staff present: Thomas W. O'Brien, Zoning Administrator, Thomas Svrcek, Director of Community Services, and Carmine Avantini, City Planning Consultant.

Others present: Alan Jory, Brett Jory, Steve Ureche, and Mark Long.

**APPROVAL OF MINUTES:**

**Resolution No. 040302-01**

**(Carried)**

Motion by Member Abrams, support by Member Hurt, that the Planning Commission minutes of the special meeting of November 25, 2003, and the regular meetings of December 2, 2003 and January 6, 2004, be approved as circulated.

YES: Abrams, Florine, Hurt, Kolhoff, Ridley, Stephens, Wilson.

NO: None. Motion declared carried.

**APPROVAL OF AGENDA:**

**Resolution No. 040302-02**

**(Carried)**

Motion by Member Hurt, support by Member Florine, to approve the agenda for the March 2, 2004 meeting of the Planning Commission as circulated.

YES: Abrams, Florine, Hurt, Kolhoff, Ridley, Stephens, Wilson.

NO: None. Motion declared carried.

**COMMUNICATIONS:**

- City Council Minutes of January 12, January 26, and February 9, 2004.

### **MEETING OPENED TO THE PUBLIC:**

Alan Jory, 6140 Seymour Road, stated he would like to take a few minutes to introduce a proposed development on behalf of Mr. Steve Ureche, the owner of properties on the southeast corner of Miller and Elms Roads. He stated Mr. Ureche currently operates a party store there, but had thoughts of demolishing the store and redeveloping the location.

Mr. Jory noted the project would consist of 35 commercial condominium units. He explained that a commercial business could purchase as many units as they needed to run their business. The approximate size per unit would be 18'-20' wide by 50'-70' deep. The proposed consisted of those 35 units, which composed 41,775 square feet of building with parking shown of 340 spaces.

General discussion ensued between Mr. Jory and the Planning Commission.

Questions and relevant answers were discussed regarding types of businesses, detention/retention of storm, tower/pylon signs, and traffic issues.

Chairperson Stephens stated a public hearing was scheduled for tonight's meeting, and that the applicant was present. Therefore, he asked that any further discussion on this matter be held until the later "Meeting Opened to the Public" on the agenda.

### **PUBLIC HEARING:**

#### **Special Land Use – 5304 Miller Road – Tax I.D. No. 58-29-551-019 – Ambulance Crew Quarters – STAT-EMS, Applicant; M & N Humanities, Owner**

Chairperson Stephens opened the public hearing for the above-referenced matter, at 7:25 p.m., and asked if anyone from the public wished to speak.

Hearing no comments, Chairperson Stephens closed the public hearing at 7:26 p.m.

### **NEW BUSINESS:**

#### **Special Land Use – 5304 Miller Road – Tax I.D. No. 58-29-551-019 – Ambulance Crew Quarters – STAT-EMS, Applicant; M & N Humanities, Owner**

Chairperson Stephens asked if a representative of STAT-EMS was present. Mark Long, representing STAT-EMS, began discussion with the Planning Commission.

Mr. Long explained that STAT-EMS had begun serving the City of Swartz Creek about 1 ½ years ago, and at that time had leased space at 6005 Miller Road, an existing strip mall across from GMSPO. He stated that location had worked successfully for the firm. However, two issues had surfaced which preceded the need for site location change: (1) STAT-EMS's business office had also been working out of the 6005 Miller Road location, but presently is not; and (2) STAT-EMS's landlord asked if he could relocate them to another smaller location

(5304 Miller) in order to re-lease the larger space. Mr. Long stated that with their reduced personnel they didn't need as much space, and were satisfied with the new location.

General discussion ensued between Mr. Long and the Planning Commission. Issues reviewed and satisfactorily resolved included hours of operation, number of employees, and equipment on site at any one time, paving of driveway, and use of lights and sirens when leaving site.

**Resolution No. 040302-03**

**(Carried)**

Motion by Member Abrams, support by Member Hurt, that the Planning Commission recommend approval to City Council of the Special Land Use Application for "Ambulance Crew Quarters" for STAT-EMS at 5304 Miller Road, Tax I.D. No. 58-29-551-019.

YES: Abrams, Florine, Hurt, Kolhoff, Ridley, Stephens, Wilson.

NO: None. Motion declared carried.

**MEETING OPEN TO THE PUBLIC:**

Mr. Alan Jory, 6140 Seymour Road, again addressed the Planning Commission regarding the proposed redevelopment of the southeast corner of Miller and Elms Roads. Mr. Jory stated he understood the concerns of both the Planning Commission and City Council regarding pylon signs, but he did note such a sign in the proposal. Being of the opinion that the Planning Commission did not want to discuss this issue again tonight, Mr. Jory merely showed them a photo of a pylon sign he felt was appropriate.

**REMARKS BY PLANNING COMMISSION MEMBERS:**

Several members expressed their thoughts on the redevelopment of the southeast corner of Miller and Elms Roads.

**ADJOURNMENT:**

**Resolution No. 040302-04**

**(Carried)**

Motion by Member Hurt, support by Member Ridley, the meeting be adjourned.

Unanimous voice vote.

Meeting adjourned at 8:05 p.m.

Kathy Ridley  
Acting Secretary

**City of Swartz Creek**  
**PARK BOARD MEETING MINUTES**  
**(Meeting of February 18, 2004)**

**CITY OF SWARTZ CREEK**  
**SWARTZ CREEK, MICHIGAN**  
**PARK AND RECREATION ADVISORY BOARD**  
**MINUTES FEBRUARY 18, 2004**

The meeting was called to order at 6:35 p.m. by Member Rae Lynn Hicks, at the City of Swartz Creek Council Chambers, 8083 Civic Dr., Swartz Creek, Michigan.

Present: Jim Florence, Rae Lynn Hicks, Richard Henry, Ray Thornton, Veronica Seibel, Rod Gardner.

Absent: Steve Tabit, Michael Shumaker.

Others Present: Tom Svrcek. Jerry Heck.

**APPROVAL OF AGENDA:**

Added to agenda-Genesee Valley Rotary Club, Elections, and Movies in the Park.

RESOLUTION NO. 040218-01

Motion by Member Gardner, Second by Member Thornton,  
to approve agenda.

Unanimous roll call vote. Motion declared carried.

**APPROVAL OF MINUTES OF NOVEMBER 12, 2003:**

RESOLUTION NO. 040218-02

Motion by member Florence, second by member Gardner,  
to approve minutes of November 12, 2003 as circulated.

Unanimous roll call vote. Motion carried.

**MEETING OPEN TO PUBLIC: None**

**OLD BUSINESS:**

**RESOLUTION NO. 040218-03**

Motion by member Hicks, second by member Florence, to approve light at sled hill at Elms Road Park to be installed by next winter.

Unanimous roll call vote. Motion carried.

Agenda item to discuss southeast corner of parking lot was not addressed due to member Shumaker not being at this meeting. The Board was not quite sure of issue.

Board would like to add an agenda item for the April board meeting regarding playground equipment.

Tom Svrcek stated he will bring maps of all green areas currently and projected future developments.

### **NEW BUSINESS:**

#### **RESOLUTION NO. 040218-04**

Motion by member Gardner, second by member Thornton, to request approval of Elms Road Park restroom into City budget In April or May with approximately \$8000 to spend.

Unanimous roll call vote. Motion carried.

Tom Svrcek will bring information regarding restroom materials, possibly Merlite.

Jerry Heck, President of the Genesee Valley Rotary Club, spoke regarding a Centennial Project of a new pavilion for their for 100<sup>th</sup> year anniversary, with a February 2005 dedication. Project to be done before dedication for use. They would like to start building this summer with a ceremonial groundbreaking prior to building. Tom Svrcek suggested the project commence building after August so it won't interfere with park activity.

The board would like to invite Mr. Heck of the Genesee Valley Rotary Club to a council meeting to share his ideas regarding this proposal for a new pavilion.

#### **RESOLUTION NO. 040218-05**

Motion by member Seibel, second by member Florence, to recommend City Council approval for the proposal of a new pavilion from and in honor of the Genesee Valley Rotary Club's 100<sup>th</sup> year Anniversary.

Unanimous roll call vote. Motion carried.

#### **RESOLUTION NO. 040218-06**

Motion by member Seibel, second by member Gardner, to apply for a grant from the Department of Natural

Resources to help cover the cost of a new restroom in Elms Road Park.

Unanimous roll call vote. Motion carried.

Board discussed due date of electing new members. Tom Svrcek will check on dates.

Discussion ensued regarding the 5 year Plan which expires in 2006. A new plan must be submitted but we may use some of the same ideas as the present plan. Also it was recommended that a professional 5 year plan be done.

City Council has a designated group overseeing the project for "Movies in the Park." The park board is not involved at this time.

**OTHER BUSINESS:**

Discussion on whether limestone was thought to be a better idea for the walk trail in Elms Road Park versus pavement because of concerns with vehicles driving on it.

The Park Board meeting for April to be held at Elms Road Park to determine best site for new pavilion.

**ADJOURNMENT:**

**RESOLUTION NO. 040218-07**

Unanimous roll call vote to adjourn meeting.

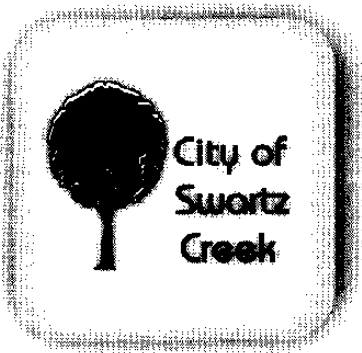
Motion carried.

Meeting adjourned at 7:40 P.M.

Respectfully submitted,

Veronica Seibel  
Secretary





**City Offices**  
M-F 8am -5pm  
810.635.4464  
810.635.2887fax

**City Manager's Office**  
M-F 8am-5pm  
810.635.3600

**Police Department**  
Emerg. 911  
810.635.4401  
810.635.3728 fax

**Public Services Department**  
M-F 8am-4:30pm  
810.635.4495

23-June-2003

Mr. **JERRY HECK**  
Genesee Valley Rotary Club  
C/O Bill Thomas Halo Burger  
800 South Saginaw St.  
Flint, Michigan 48502

**Re: Genesee Valley Rotary Club, 100 Year Anniversary Community Project**

Dear **Mr. HECK**,

I wish to thank you for your request for a community project honoring the 100 Year Rotary anniversaries. In behalf of the City, we are excited at the prospect of participation in the event. As you are aware, at our meeting on June 9<sup>th</sup> we discussed several potential options, the strongest by far being the construction of another pavilion and adjoining restroom within Elms Road Park, dedicated to the Genesee Valley Rotary Club commemorating the 100 Year Anniversary.

I've attached a drawing of the park that bears two potential locations. Using figures from a recent reconstruction of a similar restroom, I've been able to supply some rough cost estimates for the project.

26' x 24' restroom (624 sq. ft.) @ \$103 per sq. ft.	\$64,272
40' x 60' pavilion (2,400 sq. ft.) @ \$25 per sq. ft.	\$60,000

Although it is much too early at this point to decide, there may be 50-50 grant funds available. Additionally, we are certainly open to any suggestions or ideas that the Genesee Valley Rotary Club may have.

We extend our thanks and appreciation for your consideration to the project and look forward to hearing from you with your decision. Should you need anything additional, please do not hesitate to call.

Sincerely,

**PAUL BUECHE**  
City Manager  
(810)-635-4464

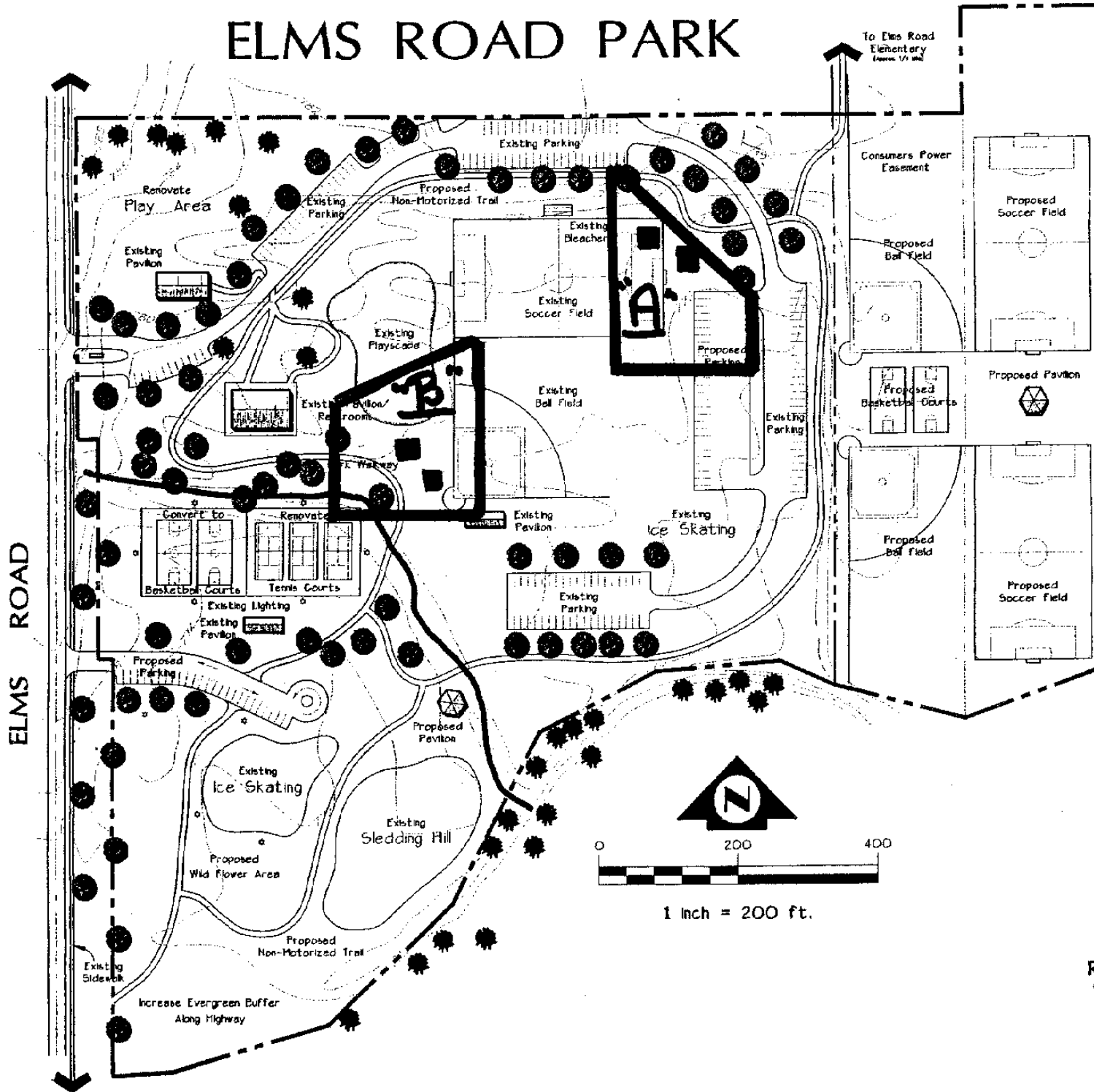
Attachment



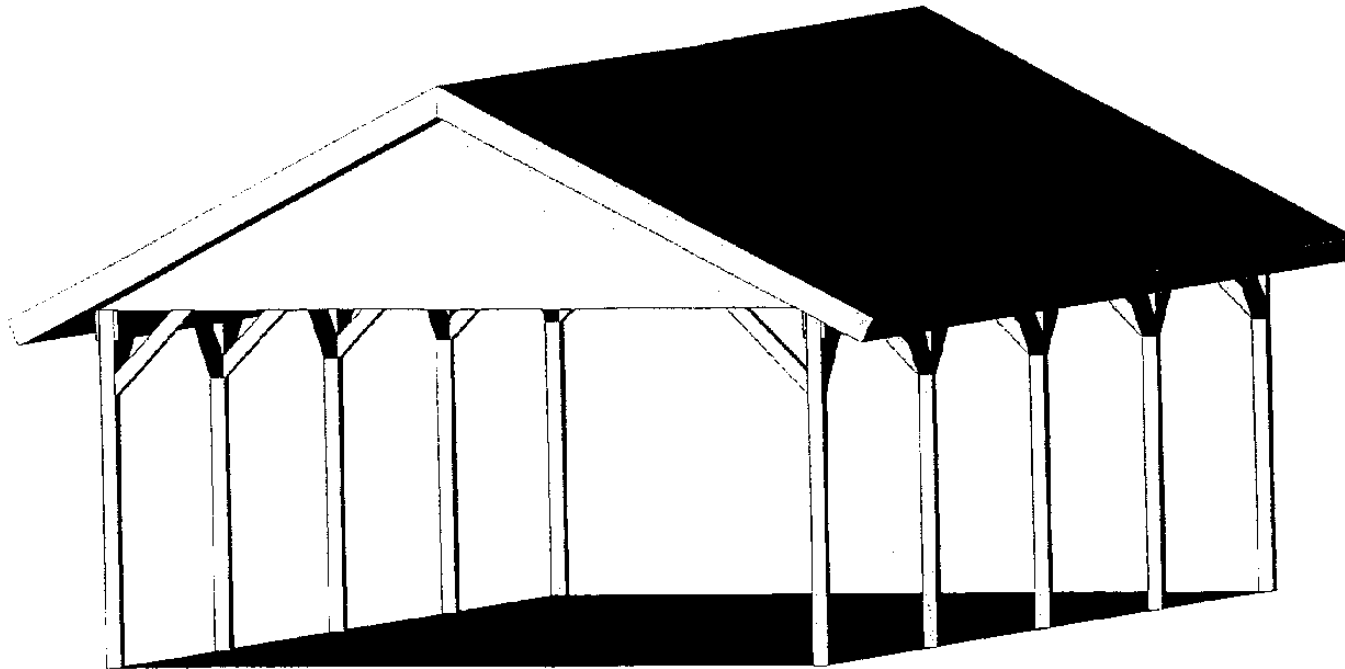
# ELMS ROAD PARK

JUNE 23, 2003

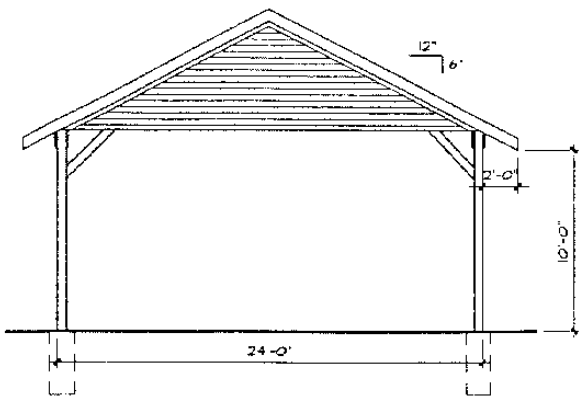
GENESEE VALLEY  
ROTARY CLUB



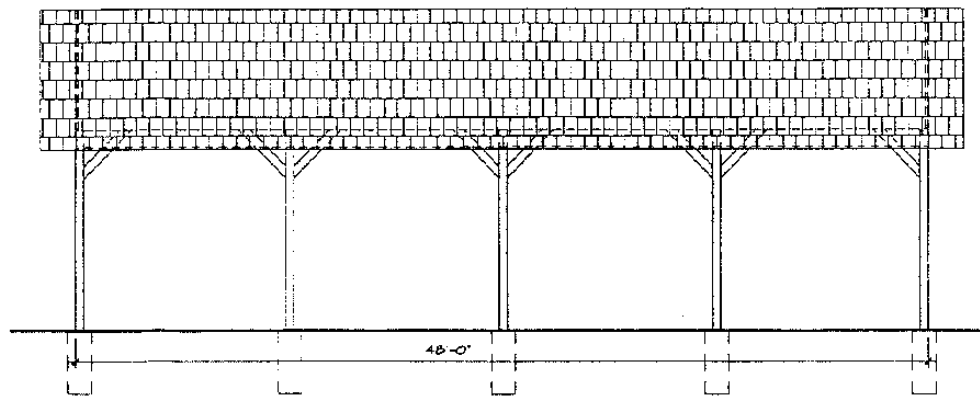
**ROWE INCORPORATED**  
6211 TAYLOR DRIVE, FLINT, MI 48507  
(810) 341-7500



PERSPECTIVE



FRONT ELEVATION



SIDE ELEVATION

U.S. ARCHITECTS  
 REGISTERED IN ILL.



SEDGEWICK & FERNEDA ARCHITECTS  
 P.O. BOX 818  
 FLINT, MI 48801  
 PHONE: (810) 238-0437  
 FAX: (810) 238-4800

ROTARY CLUB  
 SWARTZ CREEK, MI

NOT  
 AS NOT

county clerk, together with a statement certified by the city clerk of the vote for and against the amendment. Upon such filing, the amendment becomes effective unless a different date for taking effect is set forth in the amendment. (M.C.L. 117.24, M.S.A. 5.2103).

8. Resubmission. A proposed charter amendment defeated in an election may not be resubmitted to the electors for a period of two years (M.C.L. 117.21, M.S.A. 5.2100).

## **APPENDIX A**

### **CHECK LIST**

#### **PROCEDURE FOR CHARTER AMENDMENT PROPOSED BY GOVERNING BODY**

##### **M.C.L. M.S.A. Reference Reference**

- 117.21 5.2100 1. Resolution proposing amendment and setting date for election adopted. Requires 3/5 vote of members-elect of governing body.
- 117.22 5.2101 2. City Clerk sends copy of proposed amendment to Governor for approval.
- 117.21 5.2100 3. City Clerk sends copy of "statement of purpose" of proposed amendment to Attorney General.
- 117.21 5.2100 4. City Clerk publishes proposed amendment in full with charter sections altered or abrogated, as directed by governing body.
- 168.498 6.1498 5. City Clerk publishes notices of last day for registration (first publication at least 40 days before election day).
- 168.653 6.1653 6. City Clerk publishes election notice (first publication at least 10 days before election day).
- 117.21 5.2100 7. Election day (at least 60 days after adoption of resolution).
- 117.24 5.2103 8. City Clerk will file approved amendment with Secretary of State and County Clerk (within 30 days after election day).

## **APPENDIX B**

### **SUGGESTED RESOLUTION FORM**

BE IT RESOLVED, by the City Council of the City of \_\_\_\_\_, Michigan as follows:

1. The said city Council by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended, proposes [that section \_\_\_\_\_ of the Charter\* of the City of \_\_\_\_\_ shall be amended to read as follows: ] or [that a new section \_\_\_\_\_ be added to the charter of the City of \_\_\_\_\_, to read as follows:]  
[Here insert the section in the proposed form. ]

Provisions of existing section \_\_\_\_\_ of the Charter of the City of \_\_\_\_\_ to be altered or abrogated by such proposal, if adopted, now read as follows:

[Here insert the section altered or abrogated in full.]

2. The purpose of the proposed amendment shall be designated on the ballot as follows:  
[Here insert in not more than 100 words the purpose of the amendment, as, for example, the following: A city charter amendment proposed by the city council to amend section \_\_\_\_\_ of the charter by removing the limitation on special assessments which now prohibits a special assessment on any lot or premises in excess of 25% of its assessed value.]

- Wherever a reference to the charter is made, home rule cities that have the Fourth Class City Act as their charter and Special Charter Cities should revise to refer to the applicable general or local act. For example, that section \_\_\_\_\_ of Chapter \_\_\_\_\_ of Act 215 of the Public Acts of 1895, being the Charter of the City of \_\_\_\_\_, shall be amended as it is applicable to the City of \_\_\_\_\_, to read as follows:

3. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for his approval, as required by law.
4. The proposed charter amendment shall be, and the same is hereby ordered to be, submitted to the qualified electors of this city at a special election to be held in the city of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such charter amendment to the vote of the electors as required by law.
5. The proposed amendment shall be submitted to the electors in the following form, to wit:

PROPOSED AMENDMENT TO SECTION \_\_\_\_\_ of the CHARTER OF THE CITY OF \_\_\_\_\_ TO \_\_\_\_\_. [Here insert brief title (caption) of amendment, as for example, TO REMOVE THE 25% OF ASSESSED VALUE LIMITATION ON SPECIAL ASSESSMENTS. ]

A city charter amendment proposed by the City Council to amend section \_\_\_\_\_ of the Charter by \_\_\_\_\_

[Insert statement of purpose as set forth in paragraph 2, above]

Shall section \_\_\_\_\_ of the Charter of the City of \_\_\_\_\_ be amended to \_\_\_\_\_

[Here insert the brief title, as above, or, if the amendment is short and not too complex, it may be desirable to insert the proposed amended section in full.]

[YES] [NO]

6. The proposed amendment shall be published in full together with the existing charter provision altered or abrogated thereby [as part of the notice of election.] or [once in \_\_\_\_\_ newspaper not less than \_\_\_\_\_ days prior to the election.] (Note: This section may be omitted altogether if the resolution will be printed in full as part of the minutes of the meeting at which adopted.)

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of \_\_\_\_\_.

## **APPENDIX C**

### **SUGGESTED FORM FOR ELECTION NOTICE**

#### **ELECTION NOTICE**

CITY OF \_\_\_\_\_.

To the qualified electors of the City of \_\_\_\_\_, Count of \_\_\_\_\_. Notice is hereby given that a special election will be held in the City of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of Michigan, on \_\_\_\_ (day of week) \_\_\_\_ (month & date) \_\_\_\_, 19\_\_, from \_\_\_\_\_ o'clock in the forenoon until \_\_\_\_\_ o'clock in the afternoon, Eastern Standard Time, for the purpose of voting on the following proposition:

#### ***Proposal No. 1***

[Here insert caption of proposal, if any, as it will appear on ballot.]

[Here insert statement of purpose as submitted to and approved by Attorney General] so as to read as follows:

#### ***[Here insert section of charter in its proposed amended form.]\****

Provisions of existing charter to be altered by such proposal, if adopted, now reads as follows: [Here insert the section or sections abrogated or altered in full.]\*

\_\_\_\_\_ ***City Clerk***

- If proposed charter amendment together with existing charter provisions which would be altered or abrogated have been published in full with the published proceedings of the meeting at which the resolution was adopted or in a separate publication, these portions of the election notice may be omitted.

## **APPENDIX D**

### ***PETITION-INITIATED CHARTER AMENDMENTS***

City charters may also be amended under a procedure initiated by petition. Much of the procedure will be the same as for an amendment initiated by the governing body. This appendix will discuss the phases of procedure which are peculiar to initiation by petition. (See M.S.A. 5.2104, as amended by Act 200 of 1982 (M.C.L. 117.25).)

Initiation. The act provides for two types of petitions, the so-called five percent petition and the 20 percent petition. An initiative petition must be signed by at least five percent of the registered electors of the city. When such petition is signed by 20 percent or more, the act provides for certain differences with respect to election proceedings as explained under that heading in this appendix.

March 4, 2004

## *Elected Official Profile Survey*

The following is an extremely painful questionnaire for our elected officials. Since we are nearing the completion of launching the best web page ever, [www.cityofswartzcreek.org](http://www.cityofswartzcreek.org), it is only appropriate that our elected officials contribute with some professional and personal information that may be fitting and informational for our residents. This information shall be compiled and placed in a short narrative by the web page administrator and the city staff for access on the web.

Please fill out the form below in a manner that you feel comfortable with. Please, feel free to brag. This is the only chance you shall have. Be as specific or vague as you want to. No one really needs to know your age, but any added information can help paint a more lively picture of Swartz Creek's elected officials. If so inclined, you may write up such information in a narrative of your own words, and we shall post that if appropriate. We ask only that you give us the bare minimum information as marked by an "\*" .

\*Name & Age: \_\_\_\_\_

\*Title & District/At Large: \_\_\_\_\_

\*Year Elected & Total Years in Office: \_\_\_\_\_

Years in Community: \_\_\_\_\_

Past & Current  
Employment: \_\_\_\_\_

Family: \_\_\_\_\_

Accomplishments on  
Council: \_\_\_\_\_

---

---

Goals on  
Council: \_\_\_\_\_

---

---

Education: \_\_\_\_\_

---

Hobbies: \_\_\_\_\_

---

Other  
Interests: \_\_\_\_\_

---

---

Future  
Plans: \_\_\_\_\_

---

Additional  
Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# FULL TIME/PART-TIME POLICE OFFICER

## AUTHORITY AND RESPONSIBILITIES

### Mission of Department

The basic mission of the Swartz Creek Police Department and the officer, full or part-time is to protect life and property, and all rights guaranteed by law, by preserving the peace, maintaining order, controlling crime, apprehending offenders, and enforcing the law.

The PART-TIME officer is expected to perform his/her work with the same professionalism as the FULL TIME officers. Part-time officers should receive the minimum wage of the full time officers.

In a survey of other police agencies it has been discovered that the PART-TIME officers employed by SWARTZ CREEK are receiving wages that are among the LOWEST of the departments in the area of Genesee County.

ARGENTINE TWP Police Department.....	\$15.70
FLUSHING TWP Police Department.....	\$15.00
MUNDY TWP Police Department.....	\$15.00
FLUSHING CITY Police Department.....	\$14.00
CLIO CITY Police Department.....	\$13.95
LINDEN CITY Police Department.....	\$13.00
MT. MORRIS City Police Department.....	\$12.00
SWARTZ CREEK City Police Department.....	\$12.00
OTISVILLE Police Department.....	\$11.00

*\$13.51  
NJ. at Nine  
Dept.*

I have been employed part-time with the Swartz Creek Police Department for 27 years.

I and other part-time officers of the Swartz Creek Police Department feel that we're under compensated.


My fellow part-time officers and I request management to consider a reasonable pay raise.

Respectfully,

Rick Bross



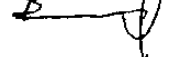
Gaylord Day



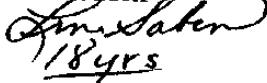
Darrell Ellis



Brian Farlin




Lin Sobin



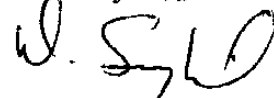
18 yrs

John Sheerin



Chuck Melki

Daye Seyfried



# City of Swartz Creek

## Department of Police

Chief RICK CLOLINGER

8100-A Civic Drive

Swartz Creek, Michigan 48473

Phone: (810)-635-4401

Fax: (810)-635-3728

30-October-2003

Officer Rick Bross  
Swartz Creek Police Dept.

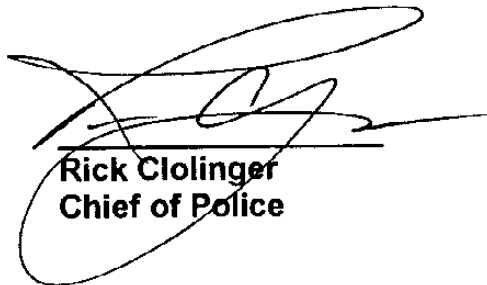
Rick,

I received your letter dated Oct. 25-2003 in reference to a request by you and your fellow part-time officers. I couldn't agree more with you and them, that the Department's part-time officers are deserving of a pay increase.

I have not only planned for this, but I fully intend to raise the pay of the part-time officers as soon as the full-time officers settle their labor contract. I only hope that you and your fellow part-time officers can be patient with me until a time that the contract is settled. I expect that to be in the very near future.

I certainly appreciate your attention in this matter, and if you have any further question or concerns please feel free to see me.

Thank-you



Rick Clolinger  
Chief of Police

LETTER to Bross 10-30-03

① Geneva Twp - AFTER 10 YRS. \$14.50 (3 holidays X-MAS N. Year Thanks)

② Mt Moren City 9.50 - ~~12.00~~ TWP - holiday 2x

③ OTISVILLE \$11.00

④ FENTON PD 10.50 NO HOLIDAY

⑤ ARGENTINE TWP 14.00 HOLIDAY DAY

⑥ Linden PD 10.25 Days 10.99 NUSK 1 1/2 holiday

⑦ Flusky Twp \$15.00

⑧ Cleo 13.95 NO HOLIDAY

⑨ Munoy Twp 12-15 HOLIDAY

⑩ Clayton TWP \$12.00

⑪ Flusky City 14.00 NO HOLIDAY

\$14.70  
15  
AVG - Butw  
11 Depts.

**Paul Bueche**

---

**From:** "Lori Crothers" <lrothers@mml.org>  
**To:** <LEGISLATIVELINK@LISTSERV.MML.ORG>  
**Sent:** Thursday, February 26, 2004 2:47 PM  
**Subject:** MML Fax Alert (2-26-04)

## Michigan Municipal League State & Federal Affairs Division

### *Fax Alert*

## Personal Property Tax Exemption Bill Passes Committee, Moves To House Floor

February 26, 2004

### ***To: Mayor/President, Council, Manager and Legislative Director:***

We need you to contact your legislators, talk to the local media, send in letters to the editor and send a letter or email to the governor on this issue. **This legislation is on a fast track, so action is needed immediately.**

Yesterday, after intense debate, members of the House Tax Policy Committee passed HB 4234, which mandates local units provide personal property tax exemptions to all businesses in their community. With the amendment, the bill provides an exemption for the first \$3,000 of personal property taxable value in 2005, increases it to \$6,000 in 2006, then to \$10,000 in 2007. The exemption would then be permanently at \$10,000 of taxable value.

The MML strongly encourages you to contact your Representative and encourage him/her to oppose this bill. In addition, contact your local media regarding the issue and the impact it would have on the services you provide to resident of your community. The House of Representatives is out of session next week, so you might be able to get in touch with your Representative in the District and make an impact in your local media before a vote is taken.

We have drafted some talking points and a sample letter to the editor for you to use in regards to this issue. For contact information for your representative, go to: <http://house.michigan.gov/replist.asp>. To send a letter or email to the governor's office, go to: <http://www.michigan.gov/gov/0,1607,7-168-21995---,00.html>

### **Sample Letter to the Editor:**

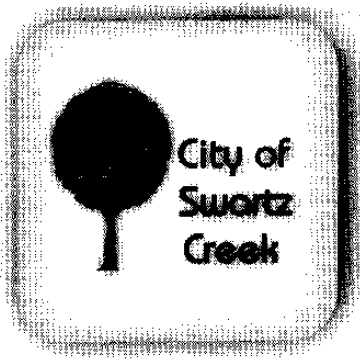
There they go again. First, the folks at the state Capitol took the tax dollars that used to come back to your communities and spent them on other priorities. Now, some folks at the state Capitol want to give a special tax break to business and make everyone else pick up the slack. House Bill 4234 would cut the taxes that businesses have historically paid to support their local police and fire departments, sheriffs deputies, road improvements, sewer maintenance and the other basic services provided by Michigan's cities, villages, townships and counties. The tax break would also cut the funds businesses pay to support Michigan's schools. While the average tax break to a business would be small – around \$500 – the impact on Michigan's communities would be large. While no one blames businesses for wanting a tax cut, shifting the tax burden onto everyone else is not fair. Money is tight all over, whether you are a senior citizen on a fixed income, a young family trying to make ends meet, or a multinational company. Everyone in a community gets the benefits of a fire engine or the local

sewer system. Everyone, including Michigan's businesses, needs to do their part to support them. Now is not the time to be shifting more of the tax burden onto Michigan's residents. Call or write your legislator and tell them enough is enough.

## Talking Points

- HB 4234 would have significant impact on local units of government. While the individual savings to those who pay personal property taxes would be small, the cumulative impact to a local community is large.
- Examples:
  - Grand Rapids – estimated loss - \$1.6 million
  - Troy – estimated loss – half a million dollars
  - Wyoming – estimated loss - \$90,000
  - Allen Park – estimated loss - \$200,000
  - Smaller Communities – examples:
    - St. Johns (population 7,500) – estimated loss \$22,000
    - Hart (population 2,000) – estimated loss \$20,000
    - Gaylord – estimated loss \$100,000 (which combined with their revenue sharing loss this year, totals \$150,000 or 7% of their budget).
- Property taxes are the major source of local revenue. The State has been continuously nicking away at their ability to levy their own taxes to pay for the services they provide to their residents, and your constituents.
- Michigan ranks 17<sup>th</sup> in the nation for taxes per capita. Michigan, in terms of state taxes, ranks 10<sup>th</sup>, but the local tax burden ranks 35<sup>th</sup> in the nation. Is going after a local taxing authority going to generate the business growth that proponents claim to seek.
- This bill also does nothing to ease the administrative burden on businesses or local units of governments. Businesses still have to fill out the forms and file them with each local unit. Local units still have to process the data and mail tax bills.
- This bill is really aimed at adjusting the proportion of tax burden in a community. Services have to be provided for by local governments. So, what this bill is saying is that of the taxes paid to local units, the current system is unfair. Businesses pay too much of the burden and residents pay too little.





**City Offices**  
 M-F 8am -5pm  
 810.635.4464  
 810.635.2887fax

**City Manager's Office**  
 M-F 8am-5pm  
 810.635.3600

**Police Department**  
 Emerg. 911  
 810.635.4401  
 810.635.3728 fax

**Public Services Department**  
 M-F 8am-4:30pm  
 810.635.4495

March 1, 2004

The following are estimates of tax amounts that the City of Swartz Creek will lose if the Personal Property Tax Exemption Bill passes. These estimates are based on current (2003) values and tax levies.

2005	City Portion	\$ 1,203.00	Total Tax Lost	\$ 6,304.00
2006	City Portion	\$ 2,204.00	Total Tax Lost	\$14,402.00
2007	City Portion	\$10,642.00	Total Tax Lost	\$69,527.00

The 2003 Personal Property Taxable Value is \$20,979,090.00  
 Taxable Value for 2007 and thereafter will be \$18,493,090.00 which is a loss of \$2,486,000.00 in Value.

This results in an approximate tax loss to the City of Swartz Creek of \$17,810.00 each succeeding year after 2007 and an approximate total tax loss of \$116,360.00.

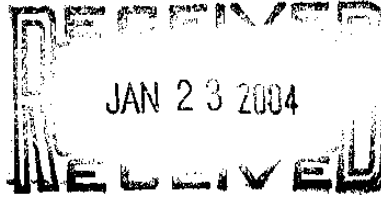
The City of Swartz Creek's portion includes City Operating, Garbage, Water Trans, Senior Center and Admin Fee. The following is a breakdown of those amounts:

City Operating approximate loss each year after 2007	\$12,019.00
Garbage	\$ 4,351.00
Water Trans	\$ 25.00
Senior Center	\$ 1,238.00
Admin Fee	\$ 176.00

The above figures assume the value will remain the same each successive year.



January 20, 2004



**PROGRESSIVE**

The Morley Building  
1 Tuscola Drive, Suite 202  
Saginaw, MI 48607  
Telephone: 989 755 8344  
800 274-4499  
Facsimile: 989 755 9473  
progressive.com

City of Swartz Creek  
Attn: Paul Bueche  
8083 Civic Dr.  
Swartz Creek, MI 48473

OUR INSURED : DAVID WAITE  
CLAIM NUMBER : 03-1912057  
DATE OF LOSS : NOVEMBER 29, 2003

Dear Mr. Bueche,

Please be advised we have completed our investigation on the above-captioned claim.

Our investigation included a scene investigation and photos of the damaged guardrail, including photo inspection of the finished replacement. Per our conversation on January 20, 2004, our limit of liability for the replacement of the guardrail is the value of the guardrail, at the time of the accident, less any age or prior damage adjustment. We have determined that there were no prior damages to the guardrail. The railing was in average condition for guardrails of similar structure. Our liability does not extend to improvements or upgraded replacements, either required by local or state statutes.

We are aware that new requirements are used in the replacement of guardrails for safety concerns and to mitigate any future liability exposures, on behalf of the City of Swartz Creek, but Progressive is not legally obligated to reimburse for those expenses.

We have determined the actual cash value (acv) for the damaged guardrail is \$3555.00. We are prepared to make arrangements to exchange our draft for the necessary property damage release. Enclosed is a copy of our estimate for your review.

If you have any questions regarding this letter, the investigation, or any matter regarding this claim, please feel free to contact the undersigned.

Sincerely,

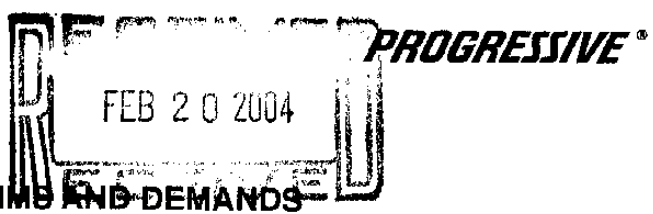
A handwritten signature in cursive script that reads "Kevin Karwat".

Kevin Karwat  
Claims Representative

**PROGRESSIVE MICHIGAN INSURANCE COMPANY**

.encl.

ⓧ Sign and Return and we will send your check.



FULL RELEASE OF ALL CLAIMS AND DEMANDS  
(PROPERTY DAMAGE)

2-17-04  
Date

KNOW ALL BY THESE PRESENTS, that I, City of Swartz Creek  
for and in consideration of the sum of three thousand five hundred and fifty dollars <sup>00</sup>/<sub>100</sub>  
(\$ 3550<sup>00</sup>), the receipt whereof is hereby acknowledged, does (do) hereby for  
my (our) heirs, executors, administrators, successors and assigns and any and all other persons,  
firms, employers, corporations, associations, or partnerships release, acquit and forever discharge  
Progressive Insurance Company of Michigan  
of and from any and all claims surrounding property damage loss which resulted from an automobile accident  
which occurred on or about Nov 29, 03 at or near  
Elms / Bristol

It is understood and agreed that this settlement is in full compromise of a doubtful and disputed claim as to both  
questions of liability and as to the nature and extent of the damages, and that neither this release nor the pay-  
ment pursuant thereto shall be construed as an admission of liability, such being denied.

It is further understood and agreed that the undersigned relies wholly upon the undersigned's judgment, belief,  
and knowledge of the nature, extent, effect, and duration of said damages and liability thereof and is made with-  
out reliance upon any statement or representation of the party or parties hereby released or their representatives.

I, THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.

CAUTION: READ BEFORE SIGNING BELOW.

Signed: ⓧ

\_\_\_\_\_  
\_\_\_\_\_  
Witnesses

PROGRESSIVE INSURANCE  
THE MORLEY BUILDING  
1 TUSCOLA DR. SUITE 202  
SAGINAW, MI 48607

**GILBERT, SMITH & BORRELLO, P.C.**

ATTORNEYS AT LAW

721 SOUTH MICHIGAN AVENUE  
SAGINAW, MICHIGAN 48602-1529-----  
WWW.GSB-LAW.COMDAVID M. GILBERT  
LAWRENCE WM. SMITH  
ANDRÉ R. BORRELLOSAGINAW (989) 790-2500  
FAX (989) 790-2889

March 3, 2004

Mr. Robert M. Chimovitz  
Attorney at Law  
512 West Court St.  
Flint, MI 48503-5010

Re: Drainage issue

Dear Mr. Chimovitz:

This letter will confirm our telephone conversation of February 26, 2004. As I advised you during our telephone conversation, I have received a reply from my client with respect to your proposal for the drainage easement across Sports Creek's property. My client is not agreeable to granting a formal easement; however, my client is agreeable to entering into a private drainage agreement, which I think gets you the same thing. The terms of the agreement my client would agree to are as follows:

1. The course of the drainage system would travel along the north end of your client's property until it hits the west boundary. It would then come onto Sports Creek's property along the west end to the catch basin in the northwest corner of Sports Creek's property. The drainage that traverses Sports Creek's property along the west end would be a covered drain until it reaches the catch basin.
2. The drainage system would be constructed in accordance with Genesee County Drain Commission's standards.
3. All costs and expenses of constructing a drainage system would be born by your client.
4. Your client agrees to maintain the drainage system at no cost to Sports Creek Raceway. The continued maintenance of the drainage system, as well as the catch basin, is an integral

**GILBERT, SMITH & BORRELLO, P.C.**

Mr. Robert Chimovitz  
March 3, 2004  
Page 2

---

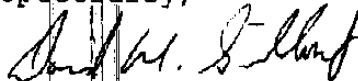
part of the drainage agreement. Any breach of the obligation to maintain would either be a breach of the drainage agreement itself and/or Sports Creek would reserve the right to make the appropriate repairs to the drainage system after notice to your client and your client would agree to reimburse Sports Creek the reasonable costs of any such repair.

5. Your client will notify Sports Creek in writing of intent to commence construction of the drainage and provide proof of appropriate insurance coverage for such construction to be conducted and name Sports Creek as additional insureds on any such liability coverage during the pendency of the construction of the drainage system. A written agreement signed by all parties will outline the terms of the drainage agreement.

6. The above proposal assumes that the County Sprague drain connects into the catch basin/detention pond on the northwest corner of Sports Creek's property and would not impact any drainage onto the property owned by Mr. Scofield.

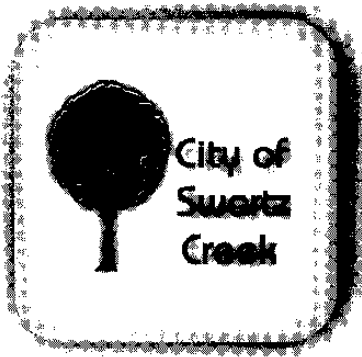
Once you have had an opportunity to consult with your client, will you please contact me and advise me of your client's response to this proposal?

Respectfully,



David M. Gilbert

DMG/slb  
Cc: Chris Locking  
Paul Bueche



**City Offices**  
M-F 8am -5pm  
810.635.4464  
810.635.2887fax

**City Manager's Office**  
M-F 8am-5pm  
810.635.3600

**Police Department**  
Emerg.: 911  
810.635.4401  
810.635.3728 fax

**Public Services Department**  
M-F 8am-4:30pm  
810.635.4496

03-March-2004

**Sports Creek Raceway**  
C/O Attorney Dave Gilbert  
Gilbert, Smith & Borrello P.C.  
721 S. Michigan Avenue  
Saginaw, Michigan 48602

**Re: Drainage: Fore-Burkeshire, Gateway, Sports Creek Raceway, Swartz Creek Estates**

Dear **Counselor Gilbert**,

I am in receipt of your copy letter dated March 3, 2004 relative to a proposed agreement with Counselor Chimovitz, representing Gateway Manor and Woodside Builders. Although the private agreement you propose to Mr. Chimovitz appears to address the properties of Sports Creek Raceway and Gateway Manor, it makes no reference to the Fore-Burkeshire development.

The matter has been submitted to the Genesee County Drain Commission's Office for the creation of text language for a formal petition to extend the Sprague Drain through the captioned properties. Once the petition has been prepared (2-4 weeks), the matter will be back before the City Council (possibly by the March 22 Meeting) for adoption by resolution.

If the matter can be resolved within these time critical dates, the City would certainly be in support of this. Should you need further, please do not hesitate to contact me.

Sincerely,

**Paul Bueche**  
City Manager  
(810)-635-4464

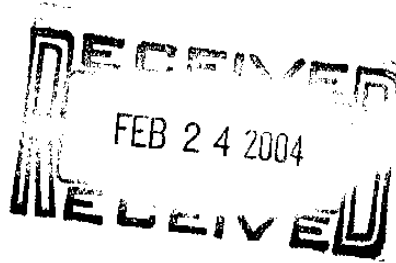
Copy: Mr. Richard Figura, City Attorney  
Genesee County Drain Commission  
Fore-Burkeshire Properties  
Mr. Robert Chimovitz  
Mr. K. Nemer, Woodside Builders  
Mr. Ralph Scofield, Swartz Creek Estates





February 24, 2004

Mr. Paul Bueche  
Swartz Creek City, City Manager  
8083 Civic Dr.  
Swartz Creek, MI 48473



Comcast Cable Communications, Inc.  
36250 Van Dyke Avenue, Building A  
Sterling Heights, MI 48312 2758  
Tel: 586.883.7000  
Fax: 586.883.7117  
www.comcast.com

Dear Mr. Bueche:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community, I am writing to notify you of some changes in the prices of some Comcast services effective April 2004. Thanks to recent investments in our networks, cable programming, customer service, and community, we are able to provide more value to every Comcast customer. To ensure that our prices reflect the value of the services received, we plan to change the price of some Comcast products and services (see grid below), effective with April 2004 statements. Also, for your reference, I have enclosed a copy of the bill message(s) that customers will receive notifying them of these changes.

Service	Old Price	New Price
B1 Service	\$12.25	\$12.25
B2 Service	\$26.42	\$28.91
Preferred Basic	\$43.50	\$45.99
Digital Plus	\$57.99	\$61.94
Digital Silver	\$68.99	\$71.99
Digital Gold	\$76.99	\$81.99
Digital Platinum	\$86.99	\$91.99

**Technology investments bring advanced services**

The primary reason Comcast is able to continue to add value to the products and services customers choose is our continued investment in upgraded broadband networks. Upgraded networks help ensure greater quality and reliability for every Comcast customer, and also provide a platform on which we can deliver advanced services to your customers, such as Comcast Digital Cable, and HDTV. Also, coming soon, ON DEMAND service and the Digital Video Recorder with Comcast Digital Cable, which will introduce VCR-like functionality to live television and offering customers the ability to watch movies and other great cable programming exactly when they want.

**Comcast continues to invest in customer service excellence**

Comcast operates in an extremely competitive environment. Virtually every customer we serve in this area chooses Comcast from among several options for television entertainment or Internet access or telephone service. This competitive environment demands that we work hard continually to add value to the Comcast products and services our customers choose to receive.

Along with providing the communications products and services that connect people to what's important in their lives, Comcast is also committed to providing the best customer service. In recent years, we have taken several steps to improve the Comcast customer experience:

- Reduced installation and service appointment times to two to four hour windows.
- Extended installation and service appointments to include evenings and weekends.
- Offered 24-hour customer service via telephone for all products.
- Enhanced network monitoring to prevent and troubleshoot customer-affecting issues.
- Offered free installations or \$20 credits as part of our On Time Guarantee for being on time for installation and service appointments, respectively.
- Provided additional choices for customer payments, including automatic deduction from bank accounts, recurring credit card billing, and online payment.
- Calls from this geographic area predominantly handled by our staff at the Macomb Call Center.

**Comcast is a local company, committed to the community**

Comcast has a proud tradition of community involvement since it entered the cable business in 1963. Because our cable systems are managed by local management and teams of employees who live alongside our customers, we recognize the importance of contributing toward a better quality of life in our community. Throughout 2003, Comcast employees have:

- **Continued to provide free basic cable and high-speed Internet connections to all eligible local schools.** Through Cable in the Classroom, a Comcast-supported industry initiative, teachers can access more than 500 hours of commercial-free educational programming each month to complement their curriculums.
- **Joined 25,000 volunteers across America by participating in Comcast Cares Day.** As part of a single day of nationwide service at Comcast, local employees volunteered at sites with local organization partners such as: Habitat for Humanity (Flint), Macomb Interfaith Caregivers, Boys & Girls Club of South Oakland County, Food Bank of Oakland County and the Macomb County Food Program.
- **Supported local United Ways.** This month local Comcast employees are generously pledging their donations to local agencies as part of the newly launched giving campaign initiative between United Way and Comcast employees across the nation.

Please direct any customer calls about Comcast products, services, and prices to 1-888-COMCAST. Our customer service representatives are available 24 hours a day, 7 days a week. As always, feel free to contact me directly at 586.883.7042 with any questions you may have.

Sincerely,



Olivia J. Visperas  
Area Director, Corporate Affairs  
Detroit East

Enclosure

**FTAS 1, 2, 7, 21-35, 52, 54-66, 71-73 – Flint Twp & City, Burton, Grand Blanc City, Mt. Morris, Flushing, Mt. Morris Twp., Genessee Twp., Clio, Vienna Twp., Flushing Twp., Schwartz Creek, Mundy Twp., Holly City & Twp., Richfield Twp., Gaines Twp.**

As part of our continuing effort to keep you informed about your Comcast Cable Services, we are writing to notify you of price changes. Effective April 2004 the following price changes will occur: Standard Basic from \$26.42 to \$28.91; Preferred Basic from \$43.50 to \$45.99; Digital Plus Package from \$57.99 to \$61.94; Digital Silver from \$68.99 to \$71.99; Digital Gold from \$76.99 to \$81.99; Digital Platinum from \$86.99 to \$91.99; Starz from \$12.95 to \$14.95. Please call the Comcast Customer Service number on your invoice if you have any questions, and thank you for being a loyal Comcast customer.



## Mass Transportation Authority

1401 S. DORT HWY. • FLINT, MI 48503 • PHONE: (810) 767-6950

"Excellence through quality"

February 23, 2004

Mr. Richard B. Abrams, Mayor  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, Michigan 48473

Dear Mayor Abrams:

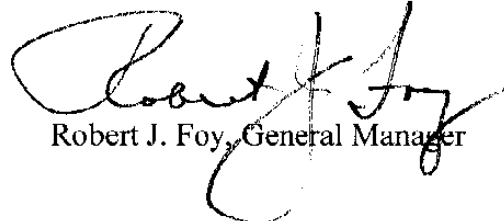
The Mass Transportation Authority developed a Strategic Plan for Public Transportation in Genesee County in 1990. In 1996 the strategic plan was updated to reflect changing transportation needs. It is our intention to initiate an update to the current strategic plan beginning in March 2004. Public input sessions throughout Genesee County will constitute the initial step in the strategic planning process. Public input sessions will occur in townships and cities throughout the county. For the convenience of the residents in your area, it is our desire to hold a public input session in the City of Swartz Creek.

The Federal and State role in funding many public services is under serious review. Funds are being curtailed for day-to-day transit operations even though our need for affordable countywide curb-to-curb transit services is increasing. People throughout Genesee County want to remain self-reliant. A growing number of older residents that no longer can own or maintain an automobile need transportation to remain independent. Persons with disabilities need daily transportation to get to and from work or school in order to remain self-reliant. The welfare reform process necessitates affordable transportation for individuals on public assistance so that they can travel to and from mandated work and school programs. Job retraining leading to new jobs in Genesee County requires transportation during times and in areas of Genesee County not covered by fixed route transportation. As residents are living longer, the need for specialized transportation services countywide is increasing significantly. Public input to identify the specific needs is the intent of the proposed strategic planning effort.

In the next few days we will be calling to request your permission to hold a public input session in your facility. We would like to thank you for your consideration and assistance toward this effort. If you have any questions regarding this letter or the strategic planning process, please contact the signer at 767-6950 ext. 113.

Sincerely,

MASS TRANSPORTATION AUTHORITY



Robert J. Foy, General Manager

Publicinputsession.req.

**Paul Bueche**

---

**From:** "Adam Zettel" <azettel@cityofswartzcreek.org>  
**To:** "Paul Bueche" <pbueche@swartzck-fs1>  
**Sent:** Thursday, March 04, 2004 9:25 AM  
**Subject:** FW: Mayor's Exchange Day

-----Original Message-----

**From:** Nancy Roehrs [mailto:nroehrs@stlouismi.com]  
**Sent:** Wednesday, March 03, 2004 2:15 PM  
**To:** Adam Zettel  
**Subject:** Mayor's Exchange Day

Adam, at our city council meeting last night I asked them if there was anything that they wanted to see when we come there and they said that they would leave that up to your city. Also, our Mayor checked his schedule and he will be out of town on June 9<sup>th</sup> and wanted to know if we could change the date of June 16<sup>th</sup>. He will also be out of town on September 8<sup>th</sup> but if you can't change that date he said our Mayor Pro Tem could take his place. Looking to hear from you soon. Nancy