

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday May 9, 2005 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, April 25, 2005 MOTION Pg. 8, 23-29
 - 4B. Special Council Meeting, April 19, 2005 MOTION Pg. 8, 30-31
5. **APPROVE AGENDA**
 - 5A. Proposed / Amended Agenda MOTION Pg. 8
6. **REPORTS & COMMUNICATIONS:**
 - 6A. [City Manager's Report](#) MOTION Pg. 9, 2-7
 - 6B. Bids, A-V Equip, Summer Family Movies (Agenda Item) Pg. 33-48
 - 6C. Bids, Fire Floor Drains (Agenda Item) Pg. 49-58
 - 6D. Engineering Report, Overhead Utilities (Agenda Item) Pg. 59-61
 - 6E. Hometown Days, LCC Application (Agenda Item) Pg. 18, 62-67
 - 6F. Public Hearing Notice, 1005-2005 Fiscal Budget (Agenda Item) Pg. 68
 - 6G. Meeting Notice, Flint River Watershed Coalition Pg. 69-70
 - 6H. Letter, Mr. Morgan, Carriage Plaza Pg. 71-73
 - 6I. Notice of Hearing, MPSC Pg. 74-76
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Heritage Park Concept DISC. Pg. 3
 - 8B. Bid Award – Appropriation, A-V System, Summer Family Movies RESO. Pg. 9, 33-48
 - 8C. Bid Award – Appropriation, Fire Floor Drain Repair RESO. Pg. 9, 49-58
 - 8D. Miller – Elms Safety Project RESO. Pg. 10, 4
 - 8E. Lease Agreement, Tri-County Wireless RESO. Pg. 10, 10-17
 - 8F. Wireless Access Services Agreement, Tri-County Wireless RESO. Pg. 17, 5
 - 8G. Q.B.S. Engineering Selection Process DISC.
 - 8H. Right of Way Clutter Reduction DISC. Pg. 59-61
 - 8I. Use of City Building, Veterans Park Auction RESO. Pg. 18, 6
 - 8J-8P. Hometown Days Permits RESO. Pg. 18, 18-22
 - 8K. Clayton Township Zoning Amendment DISC. Pg. 7
 - 8L. 2005-2006 Fiscal Budget DISC. Pg. 68
9. **MEETING OPENED TO THE PUBLIC:**
 - 9A. General Public Comments
10. **REMARKS BY COUNCILMEMBER'S:**
11. **ADJOURNMENT:**

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday May 9, 2005 7:00 P.M.

TO: Honorable Mayor, Mayor Pro-Tem & Council Members
FROM: PAUL BUECHE // City Manager
DATE: 06-May-2005

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OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

- ✓ **CHARTER REVISION, PERSONNEL POLICIES & PROCEDURES** *(Status)*
I am getting some prices for the cost of a complete codification of our ordinances. The personnel policy committee has met several times and I have a rough draft prepared. In speaking with our risk management section for Meadowbrook, I am not so sure that our creation of this document is the proper way to go. This document may well come under scrutiny at a future point as it involves some fertile litigation areas (motor vehicles, work place violence, sexual harassment, etc). I can do it, but I think we probably need the credibility of an MML endorsed consultant behind it. I am getting some cost estimates from a company suggested by MML risk management. I will be back shortly to discuss the matter further.

- ✓ **SPRAGUE DRAIN DISTRICT EXTENSION** *(Status)*
Pending.

- ✓ **D.D.A.** *(Status)*
I've budgeted some seed funds from the General Fund in the 2005-2006 FY cycle. I'll look to have the first meeting in May. I've purposely held the first meeting off until Adam finishes with school for the summer. This will give him the time he needs to concentrate on the DDA.

- ✓ **BUILDING, ZONING, PERMIT & MISCELLANEOUS FEES** *(Status)*
Fee structure will be set along with the adoption of the budget.

- ✓ **WATER RATES, WATER TAP FEES** *(Status)*
This ordinance needs some changes before we can adjust the tap fee structure. We also need to give any changes here some careful thought as we more than likely will be going to a per use charge later this summer.

- ✓ **PHASE II, WESTERN TRUNK SEWER EXTENSION** *(Status)*
I have a copy of the bond contract, commitment resolution and referendum notice from the County. It has some significant differences from what we adopted on February 14th. I'm trying to work through them with the County and Mr. Figura. I'll keep the council informed as to the progress.

- ✓ **DISSOLUTION OF GAINES-CLAYTON SEWER CONTRACTS** *(Status)*
The County wants to create a uniform policy for handling these types of franchises. It seems they have them all over the County and executed in a number of different ways. They've appointed a committee (including me) to study the matter and make a recommendation as to a solution. In the meantime, they ask that we wait until the issue

gets resolved at the County level before entering into any franchise or other agreement(s).

✓ **SALE OF WATERMAIN, BROWN ROAD PROPERTY** (*Status*)

I met with Mr. O'Brien and discussed the sale of the Miller Road watermain and the Brown Road property. The total price for both the main and the property is \$153,736. The price for the watermain is calculated by estimating the original cost and installation, minus depreciation. The County's engineers arrived at \$88,236. This is probably close as documents we have on file show the County has desired purchase of the line for 25 years. For almost the entire time, Mr. Hundley wanted \$200,000 and the County was willing to pay only \$100,000. On the Brown Road property, the residential appraisal value is \$15,500 per a Cook Prey & Hanson appraisal we had done two years ago. Water rights were negotiated at \$50,000 leaving a grand total of \$65,000. I've asked the County to figure a way to post the \$153,736 to our balance for the WTE Phase II relief sewer and Mr. O'Brien believes he can do so.

✓ **WINSHALL PARK ARSON RECONSTRUCTION** (*Status*)

Construction is back underway. I look for the building to be completed very shortly.

✓ **SANITARY CAPACITY, INFILTRATION & INFLOW** (*Status*)

Steve Warren is setting the data to new maps. It should be ready shortly.

✓ **"HERITAGE PARK" LAND ACQUISITION** (*Discussion*)

I met with Mr. Nemer and discussed the Heritage Park concept. Despite the low probability of grant funding for property acquisition, Mr. Nemer is committed to seeing the project completed. He would like to address the Council with some broad concepts. I've set this for a brief discussion.

✓ **SUMMER FAMILY MOVIES** (*Resolution*)

Bids were due and opened on April 29th. We had two responses after an add in the paper and a direct invitation to bid to three companies. The equipment was bid specific to audio and the projector was bid with specifications for a 2,000 – 3,000 – 3,500 and 4,500 lumen unit. If the council recalls the two trial runs we did last year, we borrowed the schools projector and it was a 2,000 lumen unit. The MGR bid recommended a 3,000 lumen unit and our committee recommends the 4,500 lumen unit. Using the 3,000 lumen projector unit as a base for both of the bid returns, the rankings are:

1. MGR Professional Integrators
G-6364 Corunna Road, Flint MI. 48532 **\$ 7,500.00**
2. City Animation
57 Park Street, Troy MI. 48083 **\$ 9,745.55**

The two companies returning bids varied on the 4,500 specification. I suspect that manufacturers differ a bit. MGR returned with a 3,900 lumen and City Animation returned with a 4,500 lumen. The rankings are:

1. MGR Professional Integrators (*actual bid, 3,900 lumen projector*)
G-6364 Corunna Road, Flint MI. 48532 **\$ 8,890.00**
2. City Animation (*actual bid, 4,700 lumen projector*)
57 Park Street, Troy MI. 48083 **\$ 12,066.55**

Given the price difference, and taking into account we have seen the results of the 2,000 lumen projector at the trial runs last summer, I suspect that the 3,000 lumen projector is much more than adequate. I recommend we accept MGR's bid of \$7,500 for the system as bid, with a 3,000 lumen projector.

I met with the Linden City Manager Dale Martin. He is highly interested in splitting the program with us. He will be up to view the June 3rd showing. From here, he will make a recommendation to his board to split the costs 50-50. In addition, he has located an inflatable screen for about \$1,500. As you recall, we are using the large bulky canvass screen mounted to a fixed frame. It takes a small army to move it back and forth from the fire hall. Couple this with how we spec'd the A-V package for ease and protection of the equipment, the entire package will move very easy with minimal risk of damage. The entire cost will be less than \$5,000.

✓ **BID AWARD & APPROPRIATION, REPAIR FIRE FLOOR DRAINS** (*Resolution*)

As you recall, this matter was postponed at the last meeting in order to check the status of the third trench drain located in the fire department. I inspected all three of the trench drains with Mr. Svrcek. In all honesty, the two slated for repair are not that deteriorated and the third one show's very little problem. I make this assessment based on what our insurance carrier's risk management division sets. Their trip and fall policy for off-set concrete is two inches. I think this is a bit high. We mark sidewalks for repair at one inch. The two trench drains slated for repair are less than on inch off-sets. The third has only a few areas that show any deterioration and may last many years before they show any significant deterioration. There are many areas of the Public Safety Building that are beginning to show significant deterioration that are more important. The parking lots and concrete aprons are a good example of this and will need sizable funds to repair. I recommend we fix the two and use the straighter pieces of grate to replace some of the curved ones on the third trench. Feel free to go look at them or call me and I'll accompany anyone who wants to look at them. The low, and only bid was Badgley construction at \$7,096. This was a budgeted item for the current fiscal year.

✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** (*See Individual Category*)

BRISTOL ROAD T.I.P. PROJECT

This project is still a go and is set for construction in late spring of 2006. It is a crush, mill, shape and resurface. The neat thing about this project is all of the drainage issues related to the streets and street right of way have been funded and are slated for piping all the way down to the creek south of Miller Road (tell me our engineers weren't crafty in writing the T.I.P. applications!). This is an 80-20 funded project.

MILLER – ELMS SAFETY GRANT (*Resolution*)

MDOT has informed us that we can postpone this project to next summer. I believe we should do this for a variety of reasons. First and foremost, if we wrap the bid together with the Bristol Road TIP we should be able to get a much cheaper price with greater quantities and a larger project. Second, we might be able to get some additional TIP funds thrown at the project to further reduce our 202 expenditures. Third, there's some developer activity that's probing the PDD property on the south side that we're watching very closely. They may be able to provide some additional improvements to the area. Fourth, we have a couple of holdouts on the ROW acquisitions. It seems that these residents want the City to purchase the 27' of property but interestingly enough, want no part of a special assessment district for the improvements. We have a bit of activity from developers in this area and we'll see where it goes. We can drive the easements we need when the property

transfers. I have a resolution included with tonight's agenda to push this project to next summer.

❑ **MILLER – WEST KROGER DRIVE TRAFFIC SIGNAL**

As you recall, Mr. LaMourie reports that this intersection does meet the criteria for a traffic signal within the "Isolated Cities Under 10,000 in Population" section of the states uniform traffic control devices engineering criteria guidelines. Under our agreement with "Topvalco" (Kroger Real Estate Development Company), Kroger must pay for the light. I recommend we proceed with the installation of a mast arm light here and time this project to bid and construct next summer with the Bristol Road TIP and the Miller – Elms Safety Grant project.

❑ **MILLER – FAIRCHILD TRAFFIC SIGNAL**

This one we need to do based on bus and pedestrian traffic crossing within the school zone. We have little help on this other than \$20k now in the Burkeshire agreement and a similar amount in the future Gateway agreement. As you recall, we placed this intersection signal in for a 2006 safety grant and the MPO voted to recommend it to MDOT for award. We should know within a couple of months if the funding clears MDOT. Remember, this is a 2006 grant that will delay the light's installation for another year. I am weighing the risk of waiting another year and I will be back to discuss it in the near future.

❑ **ELMS TEA-21 PROJECT, I-69 TO N. CITY LIMITS**

This project is still in the works, but may be unlikely relative to funding. I will keep the Council informed.

✓ **CITY WEB SITE / WIRELESS ACCESS, I.T. SERVICES** (*Resolutions*)

Included with tonight's packet is a lease agreement for the use of the water-tower. Basically, we receive \$500 per month lease revenue and, the plan is to pay \$500 per month for access. The net effect is we cancel our service with Comcast, which realizes a net savings of \$5,000 per year.

The City's web site is posted live and continues to be updated with new information daily. Please take a look at it and let me know of any data that needs to be changed.

✓ **ZONING ORDINANCE REVISION** (*Status*)

We met with Carmine on the 21st and have the second draft for review. We'll spend a week or two going over it, and send it back for changes. At this point, it should be ready for presentation to the Planning Commission.

✓ **SR. CENTER ADDITION / MILLAGE REQUEST** (*Status*)

Pending.

✓ **ENGINEERING SERVICES SELECTION (Q.B.S.)** (*Discussion*)

I've set this for a short discussion to update the Council on some recent developments.

✓ **UTILITY RIGHT OF WAY REVIEW** (*Discussion*)

Included with tonight's packet is a review letter from a Mr. John Whitehead P.E. of Wilcox Engineering regarding a survey of both the utility lines and streetlights in our right of ways. I've set this for a short discussion looking for input and feedback on how we wish to proceed.

✓ **METHODIST CHURCH, USE OF** (*Status*)

As you recall from the last meeting, there are two issues with the City's use of the church's facility,

1. Consolidation of the City's four voting precincts
 2. Use as a staging or recovery disaster center.
- I will keep the Council informed as to the progress of the two matters.

✓ **VETERANS MEMORIAL PARK** (*Resolution*)

A committee has begun work on seeking donations and studying concepts for a veterans park. They have asked to use the DPW yard and/or a garage for a fundraiser auction to be held on Saturday, June 4, 2005 @ 1:00 PM. (Indoors, in case of rain), in connection with the Hometown Days events. All proceeds will be donated to the City and earmarked for use with the construction of the proposed Veterans Park. I have a resolution included with tonight's agenda.

✓ **GENESEE RECYCLING COALITION** (*Status*)

We met with the representative from Great lakes and they estimate that it will cost the City between \$12,000 and \$18,000 to conduct this program ourselves. This seems pricey in terms of the cost vs. benefit. I'm going to check with some of the other cooperative programs and see if we can't drive a pickup location here in the City on an annual basis for a sizeable contribution of say maybe \$5,000 - \$6,000.

✓ **2005-2006 FISCAL BUDGET** (*Status*)

I've left this as a discussion item in case anyone has comments, suggestions, questions or criticisms. If there are no comments, we can move on. I'll continue to leave it as a discussion item until adopted. Here is the revised schedule:

April 20:	Special Council Meeting, Discussion, Set Public Hearing
May 23:	Public Hearing, Discussion
Special Meeting:	If Desired By Council
June 13:	Adopt Budget, Truth in Taxation Hearing, Set Levy, Set 2005-2006 Meeting Schedule, Year End Fiscal Adjustments, Set City-Wide Fees and Charges for Services
June 30 th :	Fiscal Year End
October 10 th :	First Quarter Totals Review
January 9 th :	Second Quarter Totals Review
April 10 th :	2006-2007 Budget Process, Third Quarter Totals Review

✓ **HOMETOWN DAYS FESTIVITIES** (*Resolutions*)

The Annual Hometown Days Events are scheduled for the weekend of June 2-5. It appears that the event will be very similar to last years. I've included the resolutions for tonight's meeting; however, we are still awaiting some related paperwork. In the interest of keeping the process moving, I recommend we approve the resolutions with stipulations and charge Rick with supervising compliancy.

✓ **CLAYTON ZONING AMMENDMENT, ADULT REGULATED USES** (*Information*)

As you are aware, Clayton Township is in the process of designating a non-contiguous portion of property located along our southern boundary on Elms Road as their site for adult oriented businesses. The designation of this type of land use is a necessary evil

in proactive planning, but what sets this move aside is that the logistics of the isolated parcel absolves the township of any responsibility for its action and shifts the entire burden primarily to us. The argument can be made that we're approaching it from a "NIMBY" (not in my back yard) standpoint, and to some extent this may be true, but, it seems only fair that the township should share in the accountability to the residents. Frankly speaking, it would be much more palatable if they chose a parcel along a border road. As the Council is aware, we've spent a lot of time and money developing the Miller – Elms PDD. If this zoning amendment passes, our non-motorized walkway could run along the boundary of an adult retail boutique. Based on the irregularity of our borders, not only in this location, but others as well (Gander Mountain is a good example), we've opened ourselves to a host of problems. These problems will continue to accelerate as the City and surrounding townships develop out. As we briefly discussed at the last meeting, annexation might be a solution to this problem and future problems related to irregular borders, as well. I'm unsure of the feasibility, or probability of annexation, but I've asked Mr. Figura to prepare a discussion for tonight's meeting.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

- ✓ None

Council Questions, Inquiries, Requests and Comments

- *Signage, General Property Conditions of Carriage Plaza.* Included with tonight's meeting is a letter from Mr. Morgan, the owner of Carriage Plaza. There is some truth to his observations. Regarding the outdoor sales area, he is preparing an application for a special land use permit and will be in shortly with it.
- *City Waste Collection Calendars.* I'll have a template and some costs to view at the next meeting.
- *GMSP0, Bristol Road Traffic Control Engineering.* Mr. Wyatt addressed the Council relative to confusing traffic control devices at this intersection. I have referred the matter to Rick for a study and report.

City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday May 9, 2005 7:00 P.M.

Motion No. 050509-4A MINUTES, APRIL 25, 2005

Motion by Councilmember: _____

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held April 25, 2005, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-4B MINUTES, SPECIAL MEETING, APRIL 19, 2005

Motion by Councilmember: _____

I Move the Swartz Creek City Council hereby approve the Minutes of the Special Council Meeting held April 19, 2005, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-5A AGENDA APPROVAL

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the agenda as presented / printed / amended for the Regular Council Meeting of May 9, 2005 to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-6A

CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the City Manager’s Report of May 9, 2005, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8B

BID AWARD – APPROPRIATION, PURCHASE AUDIO-VIDEO PROJECTION PACKAGE, OUTDOOR SUMMER FAMILIY MOVIES PROGRAM

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the low bid of MGR Professional Integrators, of 6364 Corunna Road, for the purchase of a mobile audio – video outdoor projection system, specifications as attached hereto, system to be used for the Summer Family Movies Program, and further, appropriate an amount not to exceed \$7,500 plus 10% contingency, from the 101 fund, as budgeted in the 2004-2005 fiscal cycle.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8C

BID AWARD & APPROPRIATION, REPAIR – REPLACE TRENCH FLOOR DRAINS, PUBLIC SAFETY BUILDING, FIRE DEPARTMENT

Motion by Councilmember: _____

I Move the Swartz Creek City Council Authorize the repair of the trench floor drains within the fire department, Public Safety Building, in accordance with the specifications set forth within the bid package, a copy of which is attached hereto, and further, appropriate an amount not to exceed \$7,096 to the low, and sole bidder Badgley Construction, funds to be appropriated from 101-792.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8D

MILLER – ELMS SAFETY PROJECT, POSTPONE TO 2006

Motion by Councilmember: _____

Whereas, the City applied for, and was awarded an amount capped at \$200,000 from the Michigan Department of Transportation’s 2005 Safety Grant Funding Program, said funds to be used for traffic safety enhancements and improvements to the Miller – Elms Intersection and adjoining areas, and;

Whereas, the City has completed design engineering and grade inspection, and;

Whereas, additional right of way is needed along the south side of Miller Road west of Elms and some of the residents are against the dedication of any additional right of way, and;

Whereas, The City Engineer has determined that the Michigan Department of Transportation, upon request, will extend the funding into the year 2006, and such extension would permit the City to seek a solution to the right of way acquisition issues, and;

Whereas, such extension would permit the City to align several projects to be bid and constructed together thus reducing expenses, and further, allow the City to pursue additional funding for the construction of this project, and others that are related, but not included within the original funding requests.

Now Therefore, Be It Resolved the Swartz Creek City Council hereby authorizes the postponement of the Miller Elms Safety Project until 2006, and further, authorizes the City Manager to negotiate such postponement with the Michigan Department of Transportation.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8E

WATER-TOWER LEASE AGREEMENT, TRI-COUNTY WIRELESS

Motion by Councilmember: _____

I Move the Swartz Creek City Council enter into a lease agreement with Tri-County Wireless, of Fenton Michigan, for the installation of a wireless transceiver on the City water-tower, in accordance with the terms of the lease as follows:

CITY OF SWARTZ CREEK
WATER TOWER SITE LEASE AGREEMENT
Between
The City of Swartz Creek
And

Tri-County Wireless Inc

THIS WATER TOWER SITE LEASE AGREEMENT ("Lease"), is made this ____ day of May, 2005, between the City of Swartz Creek Michigan, a Michigan Municipal Corporation with principal offices at 8083 Civic Drive, Swartz Creek, Michigan 48473 ("City"), and Tri-County Wireless Inc, a Michigan Corporation with principal offices at 240 N. Fenway, Fenton, Michigan 48430 ("Tenant").

WHEREAS, the City is the owner of a water tower located at south of Miller Road and west of Winston Drive, Tax Parcel I.D. No. 58-02-100-005, in the City ("Water Tower"); and

WHEREAS, the Tenant is in the business of providing wireless internet access and services to internet users; and

WHEREAS, the Tenant desires to locate a wireless receiver on the Water Tower in order to provide wireless internet access and services to the area in and around the City; and

WHEREAS, by placing the wireless receiver on the Water Tower, the Tenant is able to provide wireless internet access and services without the need of constructing a separate tower; and

WHEREAS, the City is desirous of leasing space on the Water Tower to permit the Tenant to locate a wireless receiver thereon under the terms and conditions set forth in this lease.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Leased Premises.** The City hereby leases to the Tenant, for the term of this lease, and upon the terms and conditions set forth herein, the non-exclusive use of the top of the Water Tower upon which Tenant may place two (2) small wireless receivers, together with adequate space on the ground below the Water Tower in order to install and place a control box (approximately 3' x 3') thereon and also grants to Tenant a non-exclusive easement for reasonable access thereto and for adequate utility services (the "Leased Premises").
2. **Term.** The initial term of this Lease Agreement shall commence on the date first written (the "Commencement Date") above and shall be for five (5) years, with an additional renewal term of five (5) years. Said renewal term shall commence automatically without further action on the part of the City or the Tenant, unless either party provides the other party with written notice that it does not intend to renew this Lease Agreement at least six (6) months before the expiration of the a term.
3. **Rent.**

Tenant shall pay rent annually to the City at the rate of Six Thousand Dollars (\$6,000.00) per year during the term of this Lease Agreement. Such rent shall be paid in advance on or before the Commencement Date and annually thereafter on or before each anniversary of the Commencement Date.

The rent to be paid by the Tenant for any renewal term of this Lease Agreement shall be that agreed to by the City and the Tenant at least six (6) months prior to the commencement of such renewal term.

4. **Governmental Approval Contingency.**

a. The Tenant's right to use the Leased Premises is conditioned upon its obtaining all the certificates, permits, zoning and other approvals that may be required by any federal, state, or local authority. The City shall cooperate with Tenant in its efforts to obtain and retain such approvals and shall take no action which would adversely affect the status of the Leased Premises with respect to the Tenant's proposed use thereof.

b. If any application necessary under Subparagraph 4(a) above is finally rejected or any certificate, permit, license, or approval issued to the Tenant is cancelled, expires, lapses, or is otherwise withdrawn or terminated by any governmental authority so that the Tenant will be unable to use the Leased Premises for its intended purposes, the Tenant shall have the right to terminate this Lease. Notice of the Tenant's exercise of its right to terminate shall be given to the City in writing by certified mail, return receipt requested, and shall be effective upon receipt of such notice by the City as evidenced by the return receipt. Except as required under Subparagraph 12(d) below, upon such termination, this Lease shall become null and void and the parties shall have no further obligations to each other.

5. **Tenant's Use.**

a. User Priority. Tenant agrees that the following priorities of use, in descending order, shall apply in the event of communication interference or other conflict while this Lease is in effect, and Tenant's use shall be subordinate accordingly:

1. The City;
2. Public safety agencies, including law enforcement, fire, and ambulance services, that are not part of the City;
3. Other governmental agencies where use is not related to public safety; and
4. Government-regulated entities whose antenna offer a service to the general public for a fee, in a manner similar to a public utility, such as long distance and cellular telephone, not including radio or a service similar to that which the Tenant is legally authorized to provide. This use shall be non-exclusive, and the City specifically reserves the right to allow the Leased Premises to be used by other parties and to make additions, deletions, or modifications to its own facilities on the Leased Premises.

(b) Purposes. Tenant shall use the Leased Premises only for the purpose of installing, maintaining, and operating a wireless internet service receiver facility, and related equipment, including a control cabinet, and uses incidental thereto for providing wireless internet access and services which the Tenant is legally authorized to provide. This use shall be non-exclusive, and the City specifically reserves the right to allow the

Leased Premises to be used by other parties and to make additions, deletions, or modifications to the Water Tower and its own facilities on the Leased Premises or on the property on which the Leased Premises is located.

(c) Operation. The Tenant shall have the right, at its sole cost and expense, to operate and maintain the wireless internet receiver and related equipment on the Leased Premises in accordance with good engineering practices and with all applicable FCC rules and regulations. The Tenant's installation of a wireless receiver and related equipment on the water Tower shall be done according to plans approved by the City, which approval shall not be unreasonably withheld. Any damage done to the Leased Premises or other City property during installation or during operations, shall be repaired at the Tenant's expense within 30 days after notification of said damage. The wireless internet receiver and related equipment installed by the Tenant shall remain the exclusive property of the Tenant.

(d) Maintenance Improvement Expense. All modifications to the Leased Premises and all improvements made for the Tenant's benefit shall be at the Tenant's expense and such improvements, including antenna, facilities and equipment, shall be maintained in a good state of repair, at least equal to the standard of maintenance of the City's facilities on or adjacent to the Leased Premises. If Tenant's Antenna Facilities are mounted on the Water Tower they shall, at all times, be painted, at Tenant's expense, the same color as the Water Tower.

(e) Drawings. Tenant shall provide The City with as-built drawings of the equipment and improvements installed on the Leased Premises, which show the actual location of all the Tenant's wireless receivers and related equipment. Said drawings shall be accompanied by a complete and detailed inventory of all equipment and personal property placed on the Leased Premises.

(f) No Interference. The Tenant shall, at its own expense, maintain any equipment on or attached to the Leased Premises in a safe condition, in good repair and in a manner suitable to City so as not to conflict with the use of the surrounding premises by the City. The Tenant shall not unreasonably interfere with the operations of any prior tenant using the Water Tower and shall not interfere with the working use of the water storage facilities thereon or to be placed thereon by the City.

(g) Access. The Tenant, at all times during the term of this Lease Agreement, shall have access to the Leased Premises in order to install, operate, and maintain its wireless internet receiver and related equipment. The Tenant shall have access to the Water Tower only with the approval of the City. The Tenant shall request access to the Water Tower twenty-four (24) hours in advance, and the City's approval thereof shall not be unreasonably withheld or delayed. In the event it is necessary for the Tenant to have access to the Water Tower at some time other than the normal working hours of the City, the City may charge the Tenant for whatever expense, including employees' wages, that the City may incur in providing such access to the Tenant.

6. Additional Maintenance Expenses. Upon notice from the City, the Tenant shall promptly pay to the City any additional City expenses incurred in maintaining the Leased Premises, including painting or other maintenance of the Water Tower, which is made necessary by the Tenant's occupancy of the Leased Premises.

7. **Advances in Technology.** As technology advances and improved receivers are developed which are routinely used in the Tenant's business, the City may require, in its sole discretion, the replacement of existing receivers with the improved receivers if the new receivers are more aesthetically pleasing or otherwise foster a public purpose, as long as the installation and use of the improved receivers are practical and technically feasible at this location.

8. **Insurance and Indemnification.**

(a) The Tenant shall, during the term of this Lease Agreement, maintain property damage insurance coverage on all personal property and fixtures owned by the Tenant. The Tenant acknowledges that the City is not responsible for insuring against the loss of the Tenant's equipment improvements. The Tenant shall also maintain single limit or combined limit general liability insurance policy of an amount not less than one-million dollars (\$1,000,000) individual and two-million (\$2,000,000) aggregate for property damage arising from one occurrence or for bodily or personal injuries or death or damages arising from one occurrence.

(b) The Tenant shall hold the City harmless from and indemnify the City against any and all liability, damage, loss and expense (including attorneys fees) for damages to persons or property arising or resulting from the acts or omissions or caused by the Tenant or the Tenant's employees, servants, agents, guests, assigns, subtenants, visitors or licensees, in, upon or about the Leased Premises, the Water Tower or the adjacent areas, including all common areas.

9. **Damage or Destruction.** If the Leased Premises are damaged or destroyed by fire, winds, flood or other natural or manmade causes, The City shall have the option to repair or replace the Leased Premises at its sole expense, or to terminate this Lease effective on the date of such damage or destruction. In the event the City terminates this Lease, neither the Tenant nor The City shall have any further obligations hereunder. If The City elects to repair or replace the Leased Premises, until such repair or replacement is completed so that the Tenant can resume full operations, the Tenant's rental hereunder shall abate until the Leased Premises are restored to a condition that the Tenant can resume full operations.

10. **Lease Termination.**

(a) **Events of Termination.** Except as otherwise provided herein, this Lease may be terminated upon sixty (60) days written notice to the other party as follows:

(i) by either party upon a default of any covenant or term hereof by the other party, which default is not cured within sixty (60) days of receipt of written notice of default to the other party (without, however, limiting any other rights of the parties pursuant to any other provisions hereof);

(ii) by the Tenant for cause if it is unable to obtain or maintain any license, permit or other governmental approval necessary for the construction and/or operation of the wireless internet services.

(iii) by The City, upon 120 day's prior written notice to the Tenant if the City

decides, for any reason, to redevelop the Leased Premises in a manner inconsistent with continued use of the Leased Premises by Tenant and/or discontinue use of the Water Tower for all purposes;

(v) by The City if it determines that the Water Tower is structurally unsound, including, but not limited to, consideration of age of the Water Tower, damage or destruction of all or part of the Water Tower on the Leased Premises from any source, or factors relating to condition of the Leased Premises;

(vi) by The City if it determines that a potential user with a higher priority under Subparagraph 5(a) above cannot find another adequate location, or the Tenant's wireless receiver(s) or related equipment unreasonably interferes with another user with a higher priority; or

(vii) by The City if it determines that the Tenant has failed to comply with applicable ordinances, or state or federal law, or any conditions attached to government approvals granted thereunder, after a public hearing before the City Council

(b) Notice of Termination. The parties shall give Notice of Termination in writing by certified mail, return receipt requested. Such Notice shall be effective upon receipt as evidenced by the return receipt, or such later date as stated in the Notice. All rentals paid for the Lease Agreement prior to said termination date shall be retained by The City.

(c) Site Restoration. If this Lease is terminated or not renewed, the Tenant shall have 60 days from the termination or expiration date to remove its wireless receivers and related equipment from the Leased Premises, repair the site and restore the surface of the Water Tower. If the Tenant's wireless receivers and related equipment are not removed to the reasonable satisfaction of the City, they shall be deemed abandoned and become the property of the City and the Tenant shall have no further rights thereto.

11. Tenant Interference.

(a) With Water Tower. The Tenant shall not interfere with the City's use of the Water Tower and agrees to cease all such actions which unreasonably and materially interfere with the City's use thereof no later than three business days after receipt of written notice of the interference from the City. If the Tenant's cessation of action is material to Tenant's use of the Leased Premises and such cessation frustrates Tenant's use of the Leased Premises, within Tenant's sole discretion, Tenant shall have the immediate right to terminate this Lease.

(b) With Higher Priority Users. If the Tenant's wireless receivers or related equipment cause impermissible interference with higher priority users as set forth in Subparagraph 5(a) above or with pre-existing tenants, the Tenant shall take any action necessary to correct and eliminate the interference. If the interference cannot be eliminated within 48 hours after receiving the City's written notice of same, the Tenant shall immediately cease operating its wireless receivers or related equipment and shall

not reactivate operation, except intermittent operation for the purpose of testing, until the interference has been eliminated. If the interference cannot be eliminated within 30 days after the Tenant received the City's written notice, the City may at its option terminate this Lease immediately.

(c) Interference Study - New Occupants. Upon written notice by The City that it has a bona fide request from any other party to lease an area including or in close proximity to the Leased Premises ("Leased Premises Area"), Tenant agrees to provide the City, within sixty (60) days, the radio frequencies currently in operation or to be operated in the future of each transmitter and receiver installed and operational by Tenant on the Leased Premises at the time of such request. The City may then have an independent, registered professional engineer of the City's choosing perform the necessary interference studies to determine if the new applicant's frequencies will cause harmful radio interference to the Tenant. The City shall require the new applicant to pay for such interference studies, unless the City or other higher priority user requests the use. In that event, the Tenant and all other tenants occupying the Leased Premises Area shall pay for the necessary interference studies, pro rata.

(d) Interference - New Occupants. The City agrees that it will not grant a future lease in the Leased Premises Area to any party who is of equal or lower priority to the Tenant, if such party's use is reasonably anticipated to interfere with the Tenant's operation of its Antenna Facilities. The City agrees further that any future lease of the Leased Premises Area will prohibit a user of equal or lower priority from interfering with the Tenant's Antenna Facilities. The City agrees that it will require any subsequent occupants of the Leased Premises Area of equal or lower priority to the Tenant to provide the Tenant these same assurances against interference.

12. Assignment. This Lease may not be sold, assigned, or transferred by Tenant without the written consent of the City, such consent not to be unreasonably withheld.

13. Miscellaneous Provisions.

(a) The City warrants that it has full right, power, and authority to execute this agreement. The City covenants that the Tenant, in return for paying rent and complying with the terms of this Lease Agreement, shall and may peacefully and quietly have, hold, and enjoy the leased property.

(b) The provisions of this Lease shall bind and inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assigns.

(c) This Lease contains the entire agreement of the parties with respect to any matter mentioned herein and supersedes any prior oral or written agreements.

(d) This Lease may be amended in writing only, signed by the parties in interest at the time of such amendment.

(e) No waiver by either party of any provision hereof shall be deemed a waiver of any other provision or of any prior or subsequent breach or any provision hereof.

(f) If any term or provision of this Lease Agreement is held to be invalid or unenforceable, such invalidity or unenforceability shall not be construed to affect any other provision of this Lease Agreement, and the remaining provision shall be enforceable in accordance with their terms.

(i) This Lease Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

(j) If the Tenant does not promptly vacate the premises at the end of the Lease term, such holding over shall be treated as creating a month to month tenancy.

IN WITNESS WHEREOF, the parties have executed this Lease agreement as of the day and year first written above.

CITY OF SWARTZ CREEK

TRI-COUNTY WIRELESS INC.

By: _____
Richard B. Abrams, Mayor

By: _____
Its:

By: _____
Mary Jo Clark, City Clerk

By: _____
Its:

Approved as to Form:

Richard J. Figura, City Attorney
Dated: _____, 2005

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8F

WIRELESS ACCESS AGREEMENT, TRI-COUNTY WIRELESS

Motion by Councilmember: _____

I Move the Swartz Creek City Council enter into an agreement with Tri-County Wireless, of Fenton Michigan, for the purpose of providing the City with wireless internet data access, at a cost not to exceed \$500 per month, and further, direct the mayor and City Clerk to execute a services agreement to be prepared by the City Manager.

Second by Councilmember: _____

North and Northwest of the intersection of Morrish and Ingalls, and adjoining rights of way, beginning June 1, 2005 at 9:00 a.m. until June 6, 2005 at 9:00 p.m., for the purpose of, and authorization to conduct a carnival, vendor/display area, and or other similar events under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured.
3. Sufficient number of portable bathrooms placed and located, and liter control program in accordance and under the approval of Director of Community Services.
4. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8K

HOMETOWN DAYS, AMPLIFIED CONCERT MUSIC PERMIT

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to conduct an outdoor concert to be held at the outdoor football stadium of the Swartz Creek High School on Friday, June 3, 2005 between 4:30 p.m. and 9:00 p.m., under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written authorization from the School District Superintendent along with acceptable insurance certificates naming the School District as an additional insured, minimum amount not less than \$1,000,000 (One Million Dollars)
3. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.
4. Music to end no later than 9:00 p.m.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8L

HOMETOWN DAYS, STREET USAGE PERMIT, MOTOR AND PEDESTRIAN PARADE

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, June 4, 2005 from 11:00 a.m. until 1:30 p.m. for purposes of conducting a parade, for Fairchild Street, Miller Rd, and Frederick St under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. No candy or other objects be thrown or handed at, or from vehicles, trailers, floats, or similar.
3. Under the direction and control of the Office of the Chief of Police.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8M

HOMETOWN DAYS PERMIT, ARIAL FIREWORKS DISPLAY

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, June 3, 2005, at or shortly after dusk, with a cancellation date of Saturday, June 4, 2005, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School structure, said properties owned by the Swartz Creek School District and Mr. Scott Hoover, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional insured parties, in an amount to be determined adequate by the City Manager.
3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8N

HOMETOWN DAYS PERMIT, OPERATE BEER TENT

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee / Flint Area Chamber of Commerce's application to operate a beer tent for the sale of beer and wine on the premises along with live entertainment to be held on Parcel No. 58-02-200-014, owned by Scott Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, June 2, 2005 until Sunday, June 5, 2005, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).
2. Portable bathrooms placed and located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.
4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, June 2, 2005 and 1:00 a.m. Friday, June 3, 2005 (Saturday Morning), and Saturday June 4, 2005 (Sunday morning).
6. Adequate security as approved by the Chief of Police.
7. Adherence to and under the direction of control from the Office of the Chief of Police.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8O

HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

Motion by Councilmember: _____

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee / Flint Area Chamber of Commerce to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, June 3, 2004, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 050509-8P

**HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE
OF A FIREARM**

Motion by Councilmember: _____

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee / Flint Area Chamber of Commerce to discharge weapons in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, June 4, 2005, at approximately 12:00 noon, under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

City of Swartz Creek
COUNCIL MEETING MINUTES
(Regular Meeting of April 25, 2005)

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 04/25/05

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.

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

Councilmen Absent: None.

Staff Present: City Manager Bueche, Clerk/Finance Officer Clark, Adam Zettel, and Attorney Michael Gildner.

Others Present: Boots Abrams, Terry O'Brien, Ron Schultz, and Jim Florence.

Resolution No. 050425-01

(Carried)

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

The Swartz Creek City Council excuses the absence of Councilmembers Adams, Plumb, and Porath at the Special Council meeting of April 19, 2005.

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

NO: None. Motion declared carried.

APPROVAL OF PREVIOUS COUNCIL MINUTES:

Resolution No. 050425-02

(Carried)

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

The Swartz Creek City Council hereby approves the Minutes of the Regular Council Meeting held April 11, 2005, to be circulated and placed on file.

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

NO: None. Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 050425-03

(Carried as amended)

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

The Swartz Creek City Council approves the Agenda for the Regular Council Meeting of April 25, 2005, as amended by the addition of items 8I, 800 MHz System, and 8J, Letter from Clayton Township, then to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager’s Report

Resolution No. 050425-04

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Adams,

The Swartz Creek City Council approves the City Manager’s Report of April 25, 2005, as presented, to be circulated and placed on file.

Discussion took place.

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

After further discussion, all other reports were received and placed on file.

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Bid Award – Appropriation, Fire Floor Drain Repair

Resolution No. 050425-05

(Postponed by Reso. 050425-06)

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

The Swartz Creek City Council authorizes the repair of the trench floor drains within the Fire Department, at the Public Safety Building, in accordance with the specifications set forth within the bid package, a copy of which is attached

hereto, and further, appropriates an amount not to exceed \$7,096 to the low, and sole bidder, Badgley Construction, funds to be appropriated from 101-792.

Discussion ensued. Councilmember Shumaker disclosed he has a personal business relationship with the above-mentioned contractor, and had so advised the City Attorney before the meeting.

Resolution No. 050425-06

(Carried)

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

The Swartz Creek City Council postpones action on the bid award and appropriation regarding repair of the trench floor drains in the Fire Department, Public Safety Building, until its next regular meeting.

Discussion took place.

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

NO: Hurt, Shumaker. Motion declared carried.

Delinquent Water – Sewer Assessment

Resolution No. 050425-07

(Carried)

Motion by Councilmember Adams,
Second by Councilmember Hurt,

The Swartz Creek City Council directs the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water and sewer, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance, said debts to be placed against the summer 2005 tax collection roll.

Considerable discussion ensued.

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

NO: None. Motion declared carried.

Delinquent Sidewalk Repair Assessments

Resolution No. 050425-08

(Carried)

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

The Swartz Creek City Council directs the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent sidewalk repair, and further, to cause such debts to be assessed against the property owner of record, in

accordance with City Ordinance, said debts to be placed against the summer 2005 tax collection roll.

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

NO: None. Motion declared carried.

Delinquent Weed Cutting Assessments

Resolution No. 050425-09

(Carried)

Motion by Councilmember Porath,
Second by Councilmember Hurt,

The Swartz Creek City Council directs the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent weed cutting, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance, said debts to be placed against the summer 2005 tax collection roll.

Discussion took place.

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

NO: None. Motion declared carried.

Street Usage Permit – River Bend Striders

Resolution No. 050425-10

(Carried)

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

The Swartz Creek City Council accepts the recommendation of the Chief of Police, and approves the application of the River Bend Striders, and further, issues a street usage permit to conduct a foot road race on Wednesday, May 11, 2005, from 6:30 P.M. to 7:30 P.M. within the Winchester Village Subdivision, under the direction and control of the Chief of Police.

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

NO: None. Motion declared carried.

Park Usage Fee Waiver Request

Resolution No. 050425-11

(Carried)

Motion by Councilmember Shumaker,
Second by Councilmember Hurt,

The Swartz Creek City Council grants the request of the Dieck Elementary Girl Scout Brownie Troop #1760, and waives the park usage fee for Pavilion #2 on

Saturday, May 14, 2005 from 5:00 P.M. until park closing, for the organization's year-end awards picnic.

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

NO: None. Motion declared carried.

Summer Family Movies

City Manager Bueche advised there will be a bid opening on Friday, April 29th, regarding audio-visual equipment for the summer movies project. He noted it may well be necessary to hold a special Council meeting in order to put the order in and take delivery of the equipment by the first scheduled movie date. Mr. Bueche stated the first movie date is the weekend of Hometown Days, which is being held June 2-6, 2005. The City Manager advised more will be known when the delivery timeline is identified.

2005-2006 Fiscal Budget

City Manager Bueche stated he had nothing new to report at this time, unless Council had questions. Mr. Bueche advised at the next Council meeting, or as soon thereafter as possible, he would like to take a look at the changes discussed at the recent special meeting. City Manager Bueche noted he would include the 2005-2006 Fiscal Budget as a discussion item on all future meetings until it is approved.

Mayor Pro-Tem Christie felt the recently discussed audit of the raceway, cost recovery for drunk drivers, and lighting from Consumers Energy should be priorities.

Letter from Clayton Township

Mayor Abrams advised at a meeting he attended last week a young lady approached him and asked if he was aware Clayton Township was holding a meeting that night relating to a proposed "porno shop". She noted it was proposed on the west side of Elms Road, south side of the railroad tracks, at the City's border. The lady had also advised she had been opposing this project for three years. Mayor Abrams advised he called the City Manager who sent a facsimile relating the City's strong opposition to such a zoning amendment.

It was noted the proposed amendment restricts this type of development within a 1,500 foot radius of residential land within Clayton Township, but there are no provisions made for contiguous local units such as Swartz Creek. Also, given the provisions of the amendment, it is likely this is the only location where this type of use could occur.

Discussion continued regarding notification requirements, possible annexation, and sanitary sewer availability.

After further discussion, it was decided City Manager Bueche would ask Attorney Figura for a written opinion regarding our options.

The 800 MHz System

Councilmember Plumb advised at a Fire Chief's meeting he learned there were issues not considered regarding activation of sirens. He noted because fire departments are going

through a north county frequency, and we currently run off the south county frequency, some of the sirens are not compatible with the programming. This will precipitate replacement or reprogramming, which was not considered in the monies they sought for pagers and radios. City Manager Bueche stated he would check into this matter.

Mayor Abrams asked that the communication entitled "ANNEXATION: Bringing All the Pieces Together" be included as 6L under Reports and Communications.

MEETING OPENED TO THE PUBLIC:

Boots Abrams, 5352 Greenleaf Drive, thanked Council for continuing to put monies aside for fire equipment. She inquired regarding the next Small Cities Association meeting, and Mayor Pro-Tem Christie advised it is scheduled May 4, 2005, 6:00 p.m., at the United Methodist Church's new addition. Mr. Bueche noted Elegant Catering will be providing dinner.

REMARKS BY COUNCILMEMBERS:

Councilmember Adams noted Swartz Creek has been a good neighbor, and he was concerned regarding how the zoning amendment issue has been handled by Clayton Township.

Councilmember Plumb wanted to make sure the sewer situation in Swartz Creek Estates would be taken care of. He noted Joe Edgerton wanted something to come from Council regarding Arson Awareness Week, which is coming up in mid-May. He mentioned all the cars for sale parked on the old Blackmore-Rowe property. Upon his inquiry as to reported hate crime activities at the schools, City Manager Bueche said he would have the Police Chief contact him.

Councilmember Shumaker spoke regarding the zoning activities in Clayton Township.

Councilmember Porath stated he would like something done as soon as possible regarding the unattractive appearance of the entrance/exit to expressway at Morrish Road. He also advised the Zoning Board of Appeals permitted an electronic sign for the United Methodist Church at its recent meeting.

Mayor Pro-Tem Christie inquired whether property owners; i.e., gas station at corner of Miller and Elms, can be cited under the blight and weed ordinances. City Manager Bueche advised Attorney Figura is drafting an opinion regarding all options the City has relative to the old Marathon gas station. Mayor Pro-Tem Christie also asked about Carriage Plaza and the need for a special land use permit as to the outdoor storage area.

Mr. Bueche advised the owner has said he'll soon be in for a special land use permit and also intends to do some work on the parking lot; however, the owner still believes the problems are associated with conditions set forth by the City when it was constructed.

Mayor Pro-Tem Christie thanked the Mayor for bringing up the Clayton Township zoning amendment. In conclusion, he asked Council to excuse his absence at the next Council meeting, because he will be on his honeymoon.

Mayor Abrams thanked Council for their support regarding the Clayton Township zoning amendment. He mentioned newspaper articles regarding area soldiers killed in Iraq. He

expressed condolences to the family of Army Specialist Randy Stevens who was recently killed in Iraq. Mayor Abrams noted there are seven area families who have lost loved ones in Iraq, and hoped he could be on a Park Board subcommittee to erect a memorial to veterans. The Mayor asked that City flags be at half-mast until after Randy Stevens' funeral this weekend.

Mayor Abrams advised local businessman Jim Pemberton passed away, and his funeral is tomorrow at 1:00 p.m. He also noted the passing of Joyce Conner, wife of Planning Commissioner Carl Conner, and advised her funeral would be held Thursday at the United Methodist Church. In conclusion, he related the article regarding the skate board park.

ADJOURNMENT:

Mayor Abrams declared the meeting adjourned at 8:34 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk

City of Swartz Creek
COUNCIL MEETING MINUTES
(Special Meeting of April 19, 2005)

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE SPECIAL COUNCIL MEETING
DATE 04/19/05

The meeting was called to order at 6:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmen Present: Abrams, Christie, Hurt, Shumaker.

Councilmen Absent: Adams, Plumb, Porath.

Staff Present: City Manager Bueche, Clerk/Finance Officer Clark, Community Services Director Svrcek, and Treasurer Aguilar.

Others Present: None.

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 050419-01

(Carried)

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

The Swartz Creek City Council approves the City Manager's Report of April 19, 2005, as presented, to be circulated and placed on file.

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

Other reports were received and placed on file.

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Proposed 2005-2006 Fiscal Year Budget

City Manager Bueche noted this is a budget workshop only, and no action is requested. He advised the Budget will be a discussion item for the regular meeting on April 25th, and at each successive meeting thereafter until approved.

City Manager Bueche stated this is a no-frills budget; very few special projects are planned. He reviewed the Budget with those present, beginning with revenues, and explained how the numbers were arrived at.

After considerable discussion, an amended Tentative Budget was offered, said Tentative Budget attached and made an official part of these minutes.

Resolution No. 050419-02

(Carried)

Motion by Councilmember Hurt,
Second by Councilmember Shumaker,

The Swartz Creek City Council sets a Public Hearing, to be held at the Regular Council Meeting of Monday, May 23, 2005, to hear public comments on the proposed 2005-2006 Fiscal Budget, and further, post a draft of said budget for public inspection, and directs the City Clerk to make the necessary publications of such hearing.

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

REMARKS BY COUNCILMEMBERS:

None.

ADJOURNMENT:

Resolution No. 050419-03

(Carried)

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

the meeting be adjourned.

Unanimous voice vote.

The meeting adjourned at 8:55 p.m.

Richard B. Abrams, Mayor

Mary Jo Clark, Clerk

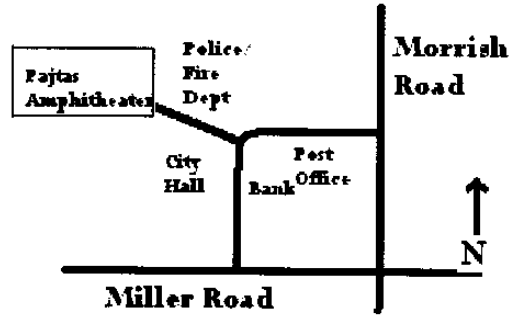
City of Swartz Creek
PLANNING COMMISSION MEETING MINUTES
(Meeting of May 3, 2005)

(As of Writing, Incomplete)

Family Movie Night

Brought to you by the subcommittee of the City of Swartz Creek Parks and Recreation Advisory Board: Officer Beth Priestley and DPS Rod Gardner.

Location: Pajtas Amphitheater on Civic Drive (across from the Swartz Creek Police/Fire Department)



Bring your blanket or folding chair and enjoy a free movie with family and friends.

The following is the tentative schedule. Movies will start at dusk. Concession wagon on site for your convenience.

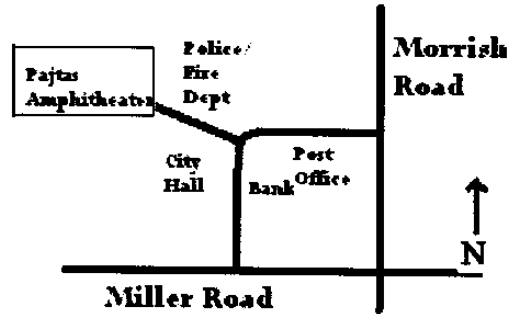
- | | |
|-----------|-------------------------|
| June 3 | Polar Express |
| June 17 | Sponge Bob Square Pants |
| July 8 | Rookie |
| July 22 | Finding Neverland |
| August 5 | Shark Tales |
| August 19 | Kangaroo Jack |

Movie titles may be subject to change. In case of bad weather the movie may be cancelled.

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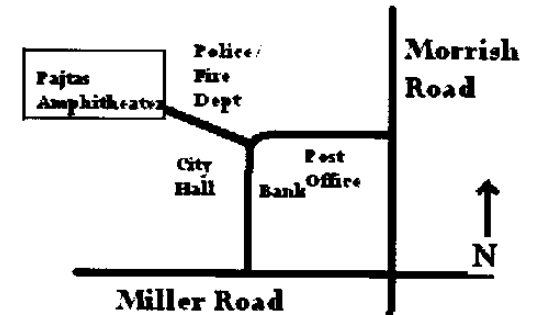
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CITY OF SWARTZ CREEK

*PROPOSAL SPECIFICATIONS FOR THE PURCHASE OF AUDIO - VISUAL
EQUIPMENT FOR SUMMER FAMILY MOVIES PROGRAM*

GENERAL STATEMENT

THIS IS AN INVITATION TO SUBMIT PROPOSALS AND NOT A PURCHASE ORDER

It is the intent of the City of Swartz Creek to purchase portable audio – visual equipment for an out-door Summer Family Movies Program.

APPLICANTS RESPONSIBILITY

Each person submitting a proposal the City of Swartz Creek shall make themselves familiar with all the forms, instructions and conditions affecting the described proposal. The City of Swartz Creek shall consider all applicants fully informed, unless otherwise specifically notified in writing by an applicant, of all factors that would affect their proposal.

FORM OF BID PROPOSALS

All proposals must be addressed to City of Swartz Creek, Attention City Manager. All proposals shall be **sealed**, submitted in full detail, and all entries legibly made. The applicant or an authorized corporate officer must sign the proposal.

INTERPRETATION OF BID PROPOSALS

Any person who is submitting a proposal may request clarification as to the true meaning of any part of these specifications or other contract documents by submitting a written request for such interpretation to the City of Swartz Creek, attention to the City Manager. Interpretation of the request shall be made by the City.

SUBMISSION OF BID PROPOSALS

Proposals shall be legibly, typed or prepared in ink. All proposals must be sealed and submitted to the City by Friday, April 29, 2005 at 4:00 P.M. Public bid opening will follow forthwith. Bids must be submitted to:

**CITY OF SWARTZ CREEK
8083 Civic Drive
Swartz Creek, Michigan 48473
Attention: City Manager PAUL BUECHE**

The outside of the envelope containing the proposal must be sealed and clearly marked
“SEALED AUDIO – VISUAL BID”

Submission of a proposal will be construed as a conclusive presumption that the applicant is thoroughly familiar with the proposal and specifications, and that the applicant understands and agrees to abide by each and all of the stipulations and requirements contained therein.

The proposal must be delivered in person or sent by mail to the City of Swartz Creek at / by the aforementioned address date and time.

Proposals will not be accepted after the time designated for the opening of the proposals. The applicant shall assume full responsibility for delivery of proposals prior to the appointed hour for opening same, and shall assume the risk of late delivery or nondelivery regardless of the manner the applicant employs for the transmission thereof. The City of Swartz Creek shall accept proposals only during normal business hours, said hours being 9:00 A.M. to 4:30 P.M., Mondays through Fridays, legal holidays accepted.

CITY OF SWARTZ CREEK RIGHT TO REJECT BID PROPOSAL

The City of Swartz Creek reserves the right to reject any or all proposals, or any part of the same, to waive any irregularities or informalities, and to make the award in part or entirety as may appear to the City of Swartz Creek to be in the best interest of the of the City.

DISQUALIFICATION OF APPLICANT

Although not intended to be an exhaustive list of causes for disqualification, any one or more of the following causes, among others, may be considered sufficient for the disqualification of an applicant and the rejection of the applicant's proposal:

- A. Evidence of collusion among applicants.
- B. Lack of competency.
- C. Inadequate product performance

SUCCESSFUL AWARD

The City of Swartz Creek will consider the proposals as early as practicable after tabulation, and award the order for purchase forthwith. Time is of the essence and upon successful award, the City may require delivery within 7-14 days.

EXECUTION OF ORDER

The successful applicant may be required to execute all invoices or orders in duplicate. Terms shall be net due 30 days.

AUDIO – VISUAL PROJECTION SYSTEM SPECIFICATIONS:

The City seeks to purchase a high quality, turnkey ready, portable audio playback and video projection system. The intent and use is for the public viewing of family oriented large screen DVD's in an outdoor "bandshell" amphi-theater environment serving crowds between 100 and 500 attendees. General specifications are as follows:

1. One, recognizable brand name 12 channel, digital effects audio mixer. Unit to serve as input for audio signal from DVD player and wireless microphone.
2. One, recognizable brand name compatible DVD Player.
3. One, recognizable brand name high out-put, 2,000 to 4500 lumen, LCD video projector with extra lamp bulb (the City will accept multiple bids on projectors models, i.e. a 2,000 – 3,000 – 3,500 – 4,500 lumen).
4. Two, recognizable brand name, main stand mount speakers, inclusive of stand mounts.
5. One, recognizable brand name, frequency reinforced subwoofer cabinet.
6. One, recognizable brand name rack mount 5 disc compact disk player fro music playback capabilities.
7. One, recognizable brand name, handheld wireless UHF microphone.
8. One, case – cabinet, shelves and racks to house audio and video equipment. Case is to be rugged and portable, equipment to be mounted and wired.
9. Installation, wiring, cords, cables, hardware, labor, etc. System must be "turn-key" ready to transport, locate, and with customer supplied power, a DVD-CD's and a screen to operate.
10. Bidder must supply warranty information for each component, stating whether its vendor supplied or manufacturer. Warranty regarding wiring, mounting must also be addressed.
11. Bidder must supply a company biography.
12. The specified system is for scheduled and advertised public viewing of out-door movies. The bidder must provide a loaner plan in case of equipment malfunctions.

POINT OF CONTACT

All correspondence, discussion, questions, etc. between the bidder and the City of Swartz Creek shall be directed to the Office of the City Manager.

ADDRESS AND TELEPHONE NUMBER

The recipient firm shall furnish the City of Swartz Creek with the Company's address, telephone number and contact person. In the event said information is changed, the recipient firm shall immediately advise the City.

PROPOSAL FORM

Bidders shall supply the following information and return this form signed with cost specifications, as identified above, attached hereto.

IDENTIFICATION

Name of firm: _____

Point of contact: _____

Address: _____ Phone: () _____
_____ FAX: () _____
_____ E-mail: _____

CREDENTIALS AND REFERENCES

List of municipalities or similar businesses served:

<u>Municipalities</u>	<u>Population</u>	<u>Contact Person</u>	<u>Phone Number</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(SIGNATURE, TITLE AND DATE)

(PRINTED NAME & TITLE)

(Attached detailed cost sheet as specified above)

Opened by: ROD GARDNER

Witness: PAUL BUECK - ADAM ZETTEL

DATE: 4-29-2005
TIME: 4:03 P.M.
OPENED AT: City Hall

BID TABULATION SHEET

NAME AND ADDRESS OF BIDDER	BID AMOUNT	REMARKS
<u>City Animation</u> <u>57 Park St</u> <u>Troy MI 48063</u>	<u>\$ 4,066.55</u>	<u>(4,700 Lumen Projector)</u>
<u>MGR</u> <u>67-6364 CORUNNA</u> <u>FLINT MI 48532</u>	<u>\$ 8,890.00</u>	<u>(3900 Lumen Projector)</u>
		<u>X Paul Bueck</u>
		<u>X Adam Zettel</u>
		<u>X Paul Bueck</u>

INVITATION TO BID
CITY OF SWARTZ CREEK

The City of Swartz Creek will be accepting proposals for the purchase of audio-visual equipment for its Summer Family Movies Program. Proposal Specifications are available at City Offices, 8083 Civic Drive, Swartz Creek, Michigan 48473. Sealed proposals will be accepted at the City Offices until Friday, April 29, 2005, at 4:00 p.m., public bid opening to follow immediately thereafter.

*****END OF NOTICE*****

PUBLISH: Sunday, April 24, 2005
PROOF REQUIRED
THE INDEPENDENT/ADVISOR

Please bill: City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

**SWARTZ CREEK PUBLIC WORKS
PORTABLE SOUND SYSTEM PROPOSAL**



**MGR Professional Integrators
G-6364 Corunna Rd.
Flint, MI 48532
810-230-0466 Fax 810-230-0092
www.mgrprofessional.com**

IDENTIFICATION

Name of firm: MGR PROFESSIONAL


Point of contact: ROBERT KURTH

Address: 6364 CORUNNA RD Phone: (80) 230-0466
FLOTT, ME 48532 FAX: (80) 230-0092
E-mail: mgrprofessional@yahoo.com

CREDENTIALS AND REFERENCES

List of municipalities or similar businesses served:

<u>Municipalities</u>	<u>Population</u>	<u>Contact Person</u>	<u>Phone Number</u>
<u>SWARTZ CREEK SCHOOLS</u>		<u>TERRY</u>	<u>80-591-2122</u>
<u>GRAND BLANC PARKS & REC</u>		<u>JAMIE WEADEL</u>	<u>80-699-0101</u>
<u>GENESSEE COUNTY SHERIFF</u>		<u>W.M. BROWNE</u>	<u>810-257-3442</u>
<u>SHAWASSEE COUNTY SHERIFF</u>		<u>LT. DOUG POWELL</u>	<u>989-743-2297</u>
<u>SWARTZ CREEK FIRE DEPT</u>		<u>BRENT COLE</u>	<u>810-628-4182</u>

 OPERATIONS DIRECTOR 4/29/05
(SIGNATURE, TITLE AND DATE)

ROBERT H. KURTH, OPERATIONS DIRECTOR
(PRINTED NAME & TITLE)

(Attached detailed cost sheet as specified above)



6364 Corunna Rd.,
Flint, MI 48532

Sales • Service • Design

- Full Service Rentals
- Installation
- Factory Authorized Repair
- Certified Consulting
- Tuning Analysis / Sound
- Workshops & Product Training
- New, Existing Construction & Renovations

- Telecommunications
- Information Tech. / Networks
- CAD Computer Design
- Acoustics
- Sound Systems
- Home Theater Systems
- Multi-Media Video & Theatrical Lighting Equipment

- Commercial
- Residential
- Correctional
- Government
- Schools



- Digital Cameras; Covert & P.T.Z.
- Audio Recorders, Card Access Control
- Wireless Camera Control, Monitors
- High Speed Computer Video Access
- Digital Multiplexers/DVRs/Time Lapse
- Burglar Alarm Systems

Come Visit our Showrooms
Call for Free Estimates,
Demos & References

BID SUMMARY

Proposed Location: Swartz Creek Public Works
Proposal Description: Portable Sound System

The enclosed system proposal is designed to offer a complete package, utilizing the latest in technology with user friendly operation. The completed system will be supplied as a "Turn-key system" which includes all professional audio equipment and correct cables for operation.

Projectors are listed on Sales Quote #1142 with varied output lumens. Choices are as requested in bid specs. To achieve total price of bid use Sales Quote #1141 with total of \$4000.00 and add projector choice. MGR Professional recommends the NEC VT770 3000 lumens projector.

MGR will provide a warranty of two year no-fault on all products and wiring including any and all labor associated with repairs to system this is supplied and at the cost of MGR Professional. Warranty includes free loaner equipment of equal value for any products in repair. Warranty does not included bulbs, misuse or abuse beyond normal ware and operating conditions.

BID WITH 2100 LUMENS

Equipment Total	\$4000.00
Projector Total	\$2600.00
Bid Total	\$6600.00

BID WITH 3000 LUMENS

Equipment Total	\$4000.00
Projector Total	\$3500.00
Bid Total	\$7500.00

BID WITH 3900 LUMENS

Equipment Total	\$4000.00
Projector Total	\$4890.00
Bid Total	\$8890.00

PORTABLE SOUND SYSTEM PROPOSAL

Proposal Location: Swartz Creek Public Works
Proposal Description: Portable Sound System

The proposed system is designed to offer an excellent solution for audio and video demands of the portable system per bid request. We have designed it with future expansion and growth in mind and maximum audio coverage.

1- Yamaha 12/4 FX mixing console with built in SPX based effects processor. This will handle all inputs from Compact Disc and DVD inputs with wireless microphones or any audio source. Unit will be mounted in listed equipment and wired up for correct operation.

1- Denon DVD-1710P Progressive scan professional rack mount DVD player. Unit will be mounted in rack and wired for operation.

1- Yorkville Excursion speakers subwoofer/satellite system with built in power amps. Package consists of (2) 12 inch and horn full range speaker cabinets with tri-pod speaker stands. (1) 18 inch subwoofer cabinet with built in 1650 watt power amp. Amp provides crossover and power for all speakers listed. All speakers nest together when stored for easy transport and storage.

1- Denon PMD 371 5 disc rack mount CD changer. To be mounted in the listed rack and wired for operation.

1- AKG WMS40 UHF diversity Handheld wireless microphone. Unit is to be mounted in listed rack and wired for operation.

1- Gator GRC 10x12 rolling road case with tilting mixer stand. All specified equipment will be mounted in the case and wired for complete operation. Case will have mounted power strip for electrical connections for all rack mounted equipment.

The complete system is to be wired and installed in the case as listed above and will provide a reliable audio system. All needed wiring and connectors will be provided a complete turnkey system as specified.

MGR Professional warranties all labor and installations and all products for the period of one year covering all parts and labor. Individual product warranties vary by manufactures guidelines. Any product found to be defective by MGR will be removed and replaced with a free loner unit of equal vale and performance, if available. Defective units will be repaired or replaced at manufactures discretion and all associated cost will be the responsibility of MGR. If the defective unit is no longer available for replacement, a suitable replacement of equal value and performance specifications will be provided. Warranties do not cover expendable items.



6364 Corunna Rd.,
Flint, MI 48532

Sales • Service • Design

- Full Service Rentals
- Installation
- Factory Authorized Repair
- Certified Consulting
- Tuning Analysis / Sound
- Workshops & Product Training
- New, Existing Construction & Renovations

- Telecommunications
- Information Tech. / Networks
- CAD Computer Design
- Acoustics
- Sound Systems
- Home Theater Systems
- Multi-Media Video & Theatrical Lighting Equipment

- Commercial
- Residential
- Correctional
- Government
- Schools



- Digital Cameras; Covert & P.T.Z.
- Audio Recorders, Card Access Control
- Wireless Camera Control, Monitors
- High Speed Computer Video Access
- Digital Multiplexers/DVRs/ Time Lapse
- Fire & Burglar Alarm Systems

Come Visit our Showrooms
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Demos & References

God Bless with ⁴³Peace, Good Health and Strong Faith
www.mgrprofessional.com



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- Digital Multiplexers/DVRs/Time Lapse
- Burglar Alarm Systems

SALES QUOTE

Bill To
SWARTZ CREEK PUBLIC WORKS 8083 CIVIC SWARTZ CREEK, MI 48473

Date	Invoice #
4/25/2005	1141

P.O. No.	Terms
	Net 30

Item	Quantity	Description	Rate	Amount
		AUDIO-VISUAL PROJECTION SYSTEM		
YAMAHA	1	MG 12/4 FX AUDIO MIXER	269.00	269.00
DENON	1	DVD-1710P PROGRESSIVE SCAN PROFESSIONAL RACKMOUNT PLAYER	199.00	199.00
YORKVILLE	1	EXCURSION 1650 WATT POWERED SYSTEM CONSISTING OF 2- FULL RANGE 12 AND HORN SPEAKER CABINETS 1-18 INCH SUWOOFER CABINET 2-TRIPOD SPEAKER STANDS	2,350.00	2,350.00
DENON	1	PMD 371 5 DISC CHANGER CD PLAYER	339.00	339.00
AKG	1	WMS 40 UHF DIVERSITY HANDHELD WIRELESS MIC	330.00	330.00
GATOR	1	GRC 10 X 12 FLIGHT CASE WITH CASTERS TILTING MIXER AND 12 RACK SPACES	350.00	350.00
MISC	1	ALL CABLES, CONNECTORS AND CUSTOM RACK WIRING FOR ALL POWER AND SPEAKER INPUTS FOR TURNKEY OPERATION	163.00	163.00

Sales Tax (6.0%) \$0.00

Total \$4,000.00

Phone #	Fax #	E-mail	Web Site
810-230-0466	810-230-0092	mgrprofessional@yahoo.com	www.mgrprofessional.com

Come Visit our Showrooms
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Demos & References

44
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www.mgrprofessional.com



6364 Corunna Rd.,
Flint, MI 48532

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Demos & References

SALES QUOTE

Bill To
SWARTZ CREEK PUBLIC WORKS 8083 CIVIC SWARTZ CREEK, MI 48473

Date	Invoice #
4/25/2005	1142

P.O. No.	Terms
	Net 30

Item	Quantity	Description	Rate	Amount
		LCD PROJECTORS		
NEC	1	VT670 2100 LUMENS WITH SPARE BULB	2,600.00	2,600.00
NEC	1	VT770 3000 LUMENS WITH SPARE BULB	3,500.00	3,500.00
MITSUBISHI	1	XL900 3900 LUMENS WITH SPARE BULB	4,890.00	4,890.00

Sales Tax (6.0%)	\$0.00
Total	\$10,990.00

Phone #	Fax #	E-mail	Web Site
810-230-0466	810-230-0092	mgrprofessional@yahoo.com	www.mgrprofessional.com

4/28/2005

Prepared For:

Paul Bueche
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473
Phone: 810-635-4464

City Animation

AUDIO-VIDEO SERVICES

57 Park Street Troy, MI 48083
 Ph (248) 589-0600 Fax (248) 589-2020
www.cityanimation.com

Mark Sidge - Account Executive

Sealed Audio Visual Bid

QTY	DESCRIPTION	UNIT	
		SELL PRICE	EXTENSION
1	Mackie CFX-12 12-Channel Audio Mixer w/ Effects	\$ 478.00	\$ 478.00
1	Denon DVD-1710P Industrial DVD Player	\$ 249.00	\$ 249.00
1	Mitsubishi XD-5950U 4,700 Lumen Projector w/ Additional Lamp	\$ 5,840.00	\$ 5,840.00
2	Mackie C-300 Speakers	\$ 358.00	\$ 716.00
2	Ultimate TS-90B Speaker Stands	\$ 72.00	\$ 144.00
1	Mackie SWA-1501 Powered Subwoofer Cabinet	\$ 799.00	\$ 799.00
1	Denon DCM-280P 5-Disc CD Player	\$ 199.80	\$ 199.80
1	Shure SLX-24/SM58 Wireless Mic Package	\$ 471.75	\$ 471.75
1	Cabbage Custom Case To Include All Rack Mounted Equipment, Power Conditioner, Storage Drawer and Patch Panel	\$ 1,109.00	\$ 1,109.00
1	Crown XLS-602 Audio Amplifier	\$ 370.00	\$ 370.00
1	CAC - Lot All Audio, Video, Speaker, and Signal Cables. 100' each Speaker and Microphone Cable	\$ 390.00	\$ 390.00
1	CAC Installation and Wiring for all of the Above	\$ 1,300.00	\$ 1,300.00
		\$ -	\$ -
Equipment Subtotal			\$ 12,066.55
Labor Charges			\$ -
Prices quoted are valid for 30 days and exclude shipping and applicable taxes. Standard credit policies apply.			\$ 12,066.55

Comments:

All of the above including installation has a 1-year warranty through
 City Animation.

**City of Swartz Creek
Audio Visual System**

Alternate Projectors – To Replace Mitsubishi XD-5950U

Mitsubishi XD-450U 2600 Lumen Projector \$2,950.00
Reduces Bid Price By: \$2,890.00 to \$9,176.55

Mitsubishi XD-4800U 3000 Lumen Projector \$3,519.00
Reduces Bid Price By: \$2321.00 to \$9,745.55

Projectors include additional lamp.

IDENTIFICATION

Name of firm: CITY ANIMATION
 Point of contact: MARK SIDGE
 Address: 57 PARK ST. Phone: 248 589-0600
TROY, MI. 48063 FAX: 248 589-2020
 E-mail: MARKSIDGE.CITYANIMATION.COM

CREDENTIALS AND REFERENCES

List of municipalities or similar businesses served:

<u>Municipalities</u>	<u>Population</u>	<u>Contact Person</u>	<u>Phone Number</u>
<u>CITY OF TROY</u>	<u>80,959</u>	<u>GERT PARASKEVIN</u>	<u>248-524-3416</u>
<u>NORTHVILLE TOWNSHIP</u>	<u>36,559</u>	<u>DEE BOWEN</u>	<u>248 348-5810</u>
<u>36th DISTRICT COURT</u>		<u>DUANE ANDERSON</u>	<u>313 965-2772</u>
<u>HURLEY MED. CTR.</u>		<u>LARRY DALY</u>	<u>710-257-9807</u>

[Signature] ACCT. EXECUTIVE
 (SIGNATURE, TITLE AND DATE)

MARK SIDGE ACCT. EXECUTIVE
 (PRINTED NAME & TITLE)

(Attached detailed cost sheet as specified above)

Opened by: *Tom S*

Witness: *Sue*

DATE: *4-11-05*
TIME: *2:35*
OPENED AT: *city hall*

BID TABULATION SHEET

NAME AND ADDRESS OF BIDDER	BID AMOUNT	REMARKS
<i>Bridgely Construction 9177 W Bristol Rd SWARTZ CREEK</i>	<i>\$1 7,096.00</i>	<i>will recommend to Manager for OK</i>
<i>only one bid.</i>		

BADGLEY CONSTRUCTION

9179 W. BRISTOL RD
 SWARTZ CREEK, MI 48473
 810-635-4999
 FAX 810-635-4999

Estimate

DATE	ESTIMATE NO.
9/24/2004	144

NAME / ADDRESS
CITY OF SWARTZ CREEK 8083 CIVIC DR SWARTZ CREEK, MI 48473

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
SAW CUT CONCRETE 2' WIDE 60' LONG	248	6.00	1,488.00
REMOVE CONCRETE AND EXISTING DRAIN	240	2.80	672.00
INSTALL NEW PVC INFINITY TRENCH SYSTEM	2	1,568.00	3,136.00
REPLACE CONCRETE AROUND DRAIN	240	7.50	1,800.00
TOTAL			\$7,096.00

SIGNATURE _____

**CITY OF SWARTZ CREEK, MICHIGAN
NOTICE**

**THE CITY OF SWARTZ CREEK IS SEEKING BIDS FOR THE
REMOVAL AND REINSTALLATION OF TWO FLOOR DRAINS
LOCATED IN THE SWARTZ CREEK PUBLIC SAFETY BUILDING.
SPECIFICATIONS FOR THE JOB ARE AVAILABLE AT THE
SWARTZ CREEK CITY OFFICES, 8083 CIVIC DRIVE. SEALED
BIDS ARE DUE IN THE CITY OFFICES ON OR BEFORE APRIL 11,
2005 AT 2:00 P.M.**

**MARY JO CLARK
CITY CLERK**

PUBLISH: SUNDAY, MARCH 20, 2005

PROOF REQUIRED

**PLEASE BILL: CITY OF SWARTZ CREEK
8083 CIVIC DRIVE
SWARTZ CREEK, MI 48473**

PLEASE REFERENCE ACCOUNT #8128

**CITY OF SWARTZ CREEK
DEPARTMENT OF PUBLIC WORKS
8083 CIVIC DRIVE
SWARTZ CREEK, MICHIGAN 48473
810-635-4464**

Attached are the specifications for the removal and reinstallation of two floor drains. Both drains are located in the Public Safety Building, 8100 Civic Drive, Swartz Creek, Michigan.

- **Saw, cut and remove existing concrete in a 2' x 128' area utilizing a Wetcut Saw.**
- **Remove existing drain**
- **Install two new Infinity Trench-Drain Systems or their equivalent, 30' complete with appropriate fittings.**
- **Replace concrete around the drains which will slope to match original concrete.**
- **All work will be coordinated with the Fire Chief. Dust must be kept to a minimum which may require the use of tarp over the work area.**

ESTIMATED QUANTITY OF MATERIALS

Wetcut Saw	248 Linear Feet
Concrete Removal	240 Linear Feet
New Drain Systems	2 Complete
Concrete Replacement	240 Linear Feet

As a requirement of the bid being accepted by the City of Swartz Creek, the successful bidder will submit to the City Clerk a policy of liability of insurance covering the activities of the company submitting the bid, said liability of insurance having coverage in the amount of \$1,000,000-\$3,000,000. The successful bidder will have adequate and appropriate equipment to perform all of the work for which this bid is submitted.

The City shall not be liable under any circumstances, including termination of this agreement, for the costs of any equipment purchased by the contractor for the purpose of performing any of the work provided for in this bid.

The billing will be submitted on an invoice with payment to be net 30.

This contract will be awarded to the lowest qualified bidder.

The City reserves the right to reject any and all bids.

Sealed bids are due in the Swartz Creek City Offices by 2:00 p.m., April 11, 2005

**Thomas Svrcek
Director, Department of Public Services**

INSTALLATION INSTRUCTIONS

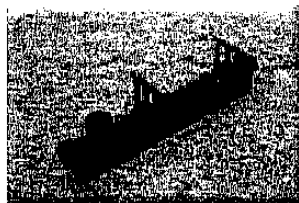
The INFINITY TRENCH-DRAIN system is a package system. Every 8' 3/4" section of trench includes a box of accessories containing 4 support feet, 2 end-outlet end-caps, 1 coupling, 1 bottom outlet and one preinstalled grate. It should not be necessary to remove grate for installation.

Every 3' 2 5/8" section come with two feet, two end-caps, one coupling, and one bottom outlet.

Installation instructions:

STEP 1: Prepare an excavation 12" wide by 12" below finished grade, allowing for slope of concrete to facilitate drainage.

STEP 2: Turn trench upside down on reasonably flat surface. Begin installation of support feet by placing one tab into boss. Pushing down on foot twist opposite tab sideways into boss. Bosses have been offset slightly to facilitate twisting motion. Space feet evenly along the length of the channel.

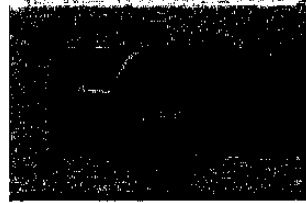


STEP 3: Install end-caps on ends of trench-drain by aligning the groove in cap to flange on trench-drain. Slide cap on set with sharp blow of hand. If end outlet is used cut plug with appropriate tool prior to final connection.



STEP 4: If bottom outlet is used,

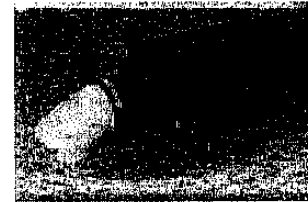
install where needed using the same twisting motion used on support feet. Scribe the inside of outlet on trench, remove outlet and cut scribed hole in trench with any wood saw. Reinstall outlet.



STEP 5: Place trench-drain on sub grade and do a preliminary leveling of trench section



STEP 6: Connect outlet piping, making sure that at point of connection the top of drain is at finished grade. End and bottom outlets are sized for no-hub pipes.



STEP 7: To ensure that trench-drain will not move or float during a pour, mix a minimum of 1/2 bag of premix concrete for each support foot. Place concrete around support foot and adjust trench for final level and allow concrete to set. **NOTE: IF MORE CONCRETE IS AVAILABLE TO POUR AROUND SUPPORT FEET IT WILL MAKE THE INSTALLATION MORE SECURE FOR FINAL POUR.**



STEP 8: Just prior to pouring concrete, cover grates with duct tape to prevent concrete from entering trench. If grate must remain covered due to construction requirements remove duct tape as soon as concrete is set and place loose cover to protect from construction debris, (this will insure that tape glue will not remain on grate).

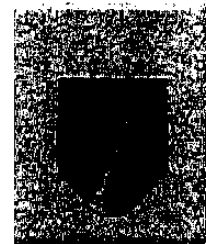
WARNING!!!
DO NOT USE TRENCH DRAIN AS AN EXPANSION JOINT

- Can be easily cut to size with a regular saw. Channel clearly marked where to cut.

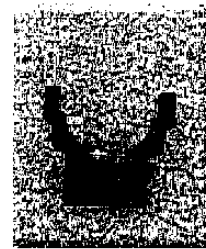
- Cutting channel at strategically placed double anchor rib provides rib for endplate or coupling to slide on.



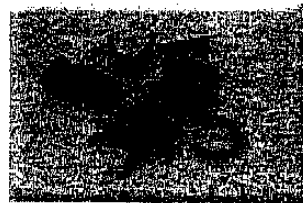
- End plates can also be used as end outlets by drilling out with a hole saw.



- Separate bottom outlet adapter "locks" into the channel.

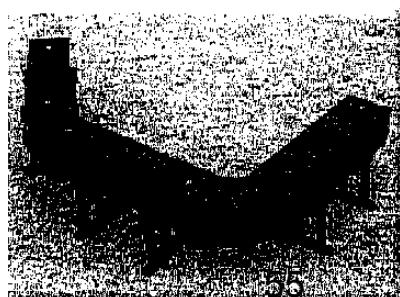


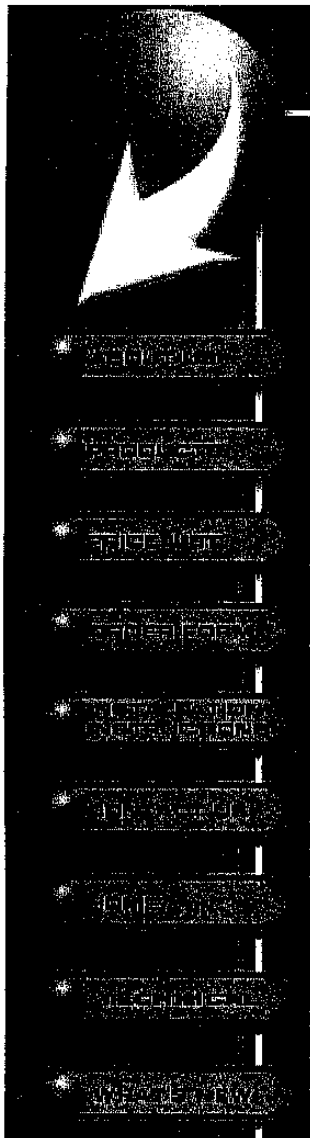
- Each 8' 3/4" section of trench is shipped with grate assembled and includes: one continuous channel, one continuous grate, two end cap/end outlets, one bottom outlet, four anchor legs "feet", and one coupling to join multiple sections.



- Each 3' 2 5/8" section is shipped with grate assembled and includes one continuous channel, one continuous grate, two end cap/outlets, one bottom outlet, two legs "feet", and one coupling.


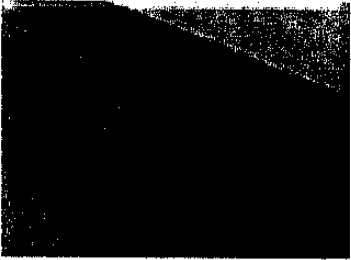
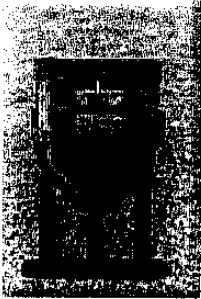
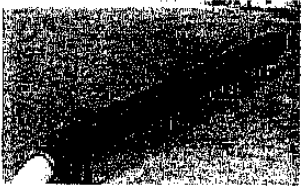
- Optional 45 degree fitting and grate makes offsets and 90 degree turns easy and offers more options for layout.



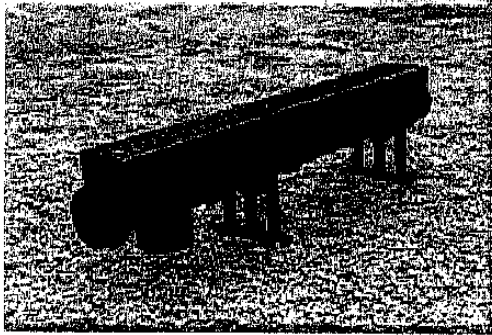


PRODUCTS

INFINITY TRENCH DRAINAGE SYSTEM

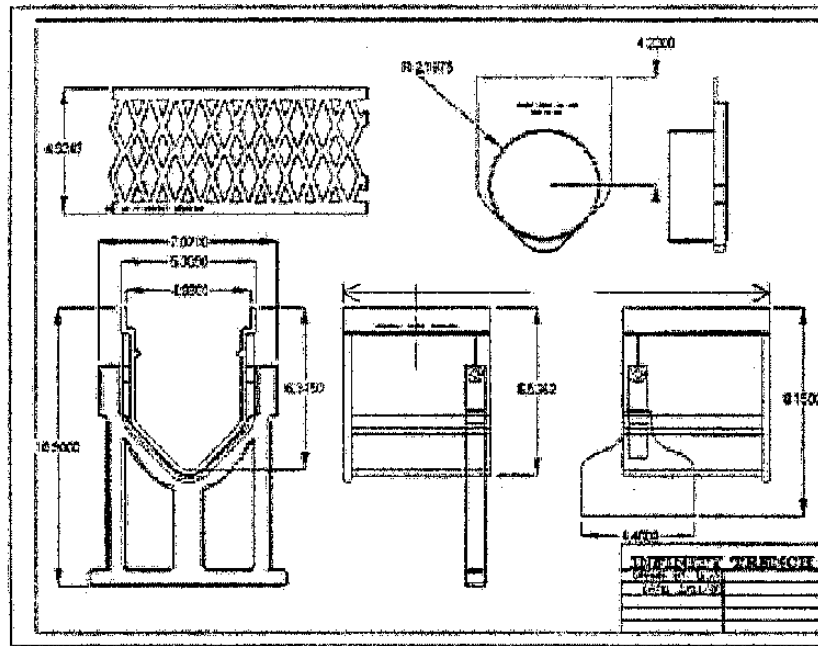
- Channel is one piece construction. Can be custom made to any length.
- Continuous grate seat provides uniform surface for grate and lock down capability for the entire length of channel. 
- One piece grate, that can also be made in any length, for all pneumatic tire loading. Examples: car and truck traffic. 
- Concrete anchor tabs molded into product. 
- Reinforcement ribbing around channel perimeter for strength.
- 100% polypropylene channel and grate. Channel can be easily heat sealed. Light weight yet very strong.
- Channel flow V-configuration allows for minimum amount of water to remain in the trench. 
- Anchor support legs "lock" into the channel to maintain alignment.

- **Optional 3' 2 5/8" section complete with all accessories for spot drainage or adding a length to the main section.**



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Click on the image to see a larger version. Note: The image is large so it may take a few seconds to load
CLICK HERE FOR LIMITED WARRANTY

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Wilcox



An ISO 9001
Certified Company

5859 Sherman Road
Saginaw, MI 48604
989-752-6500
Fax: 989-752-6600

1-800-542-2756
wilcoxassociates.com

Office Locations

Michigan

Alpena
Bad Axe
Brown City
Cadillac
Caledonia
Escanaba
Farmington Hills
Flint
Lansing
Saginaw

Indiana

Indianapolis

Arizona

Phoenix

Built on Quality -
continuously improving our
quality of service to meet
and exceed our
clients' expectations.

2003 ENR
Top 500 Design Firms
Ranked #309

2003 - CE NEWS
Best Firm To Work For
Ranked #15

2004 - ZweigLetter
Hot Firm
Ranked #17

April 27, 2005
Steve Warren
Rowe Incorporated
6211 Taylor Drive
Flint, Michigan 48507

RE: Swartz Creek Utility Poles

Dear Steve,

We meet at the Swartz Creek site on the afternoon of April 21, 2005 with the Consumers Energy representative, Steven P. Fejedelem. We observed the poles shown in Mr. Paul Bueche's tour of downtown Swartz Creek and have the following comments. The poles in question are not the property of Consumers Energy but those of Verizon Communications with cable TV and telephone cables hung at low levels. The only safety hazard for these poles would be their falling down and hurting someone or blocking traffic. The cables on these poles do not have high voltage in them. The utility poles on the south side of Miller Road are Consumers property and are not in question in regards to safety and vertical integrity. Consumers can relocate their poles one block south to relieve the visual clutter but the City would be charged for the relocation.

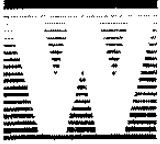
To resolve the leaning poles issue we suggest having Verizon install pole breasters as shown on the attached pole detail sheet. This is the same type of system Consumers and Detroit Edison uses to correct similar situations on their poles. The City should also ask Verizon to remove any unused and abandoned cables that exist on the poles in downtown to relieve the cabling congestion. It is hard to believe that with today's technology of using fiber optics all the existing cables are now active.

Another observation is the use of extended arm street lights. This creates an unnecessary amplified load on each pole due to angler loading by the light fixture. It is suggested that the City request a lighting assessment be performed by Consumers Energy at no cost to the City for possible shortening of the mounting arms as well as locations of fixtures. Another possible solution is replacing the old mercury vapor fixtures with new forward throw optics high pressure sodium fixtures. It was noted that new acorn fixtures and poles were installed with existing overhead utility pole mounted fixtures above them. Two light fixtures at the same location should not be necessary and removal of one of them would save the City the monthly charge as well as reduce the overhead clutter. The Consumers lighting study would provide a suggested solution to this condition.

While at the site Mr. Fejedelem notice some Consumers Energy lines and poles no longer in use after the Kroger store was completed. He stated he would have this equipment removed at Consumer's expense as soon as a crew was available. He also noted a temporary utility pole located at the Burger King facility and suggested that the City request that the owner have it removed.

If you have any further questions on this matter or would like a meeting to discuss this matter or any other please feel free to call at any time. We will make ourselves available at any requested time and will bring any of our resources necessary for a successful meeting.

Wilcox



Sincerely,


John D. Whitehead P.E.
Building Services Resource Manager
WILCOX PROFESSIONAL SERVICES, LLC

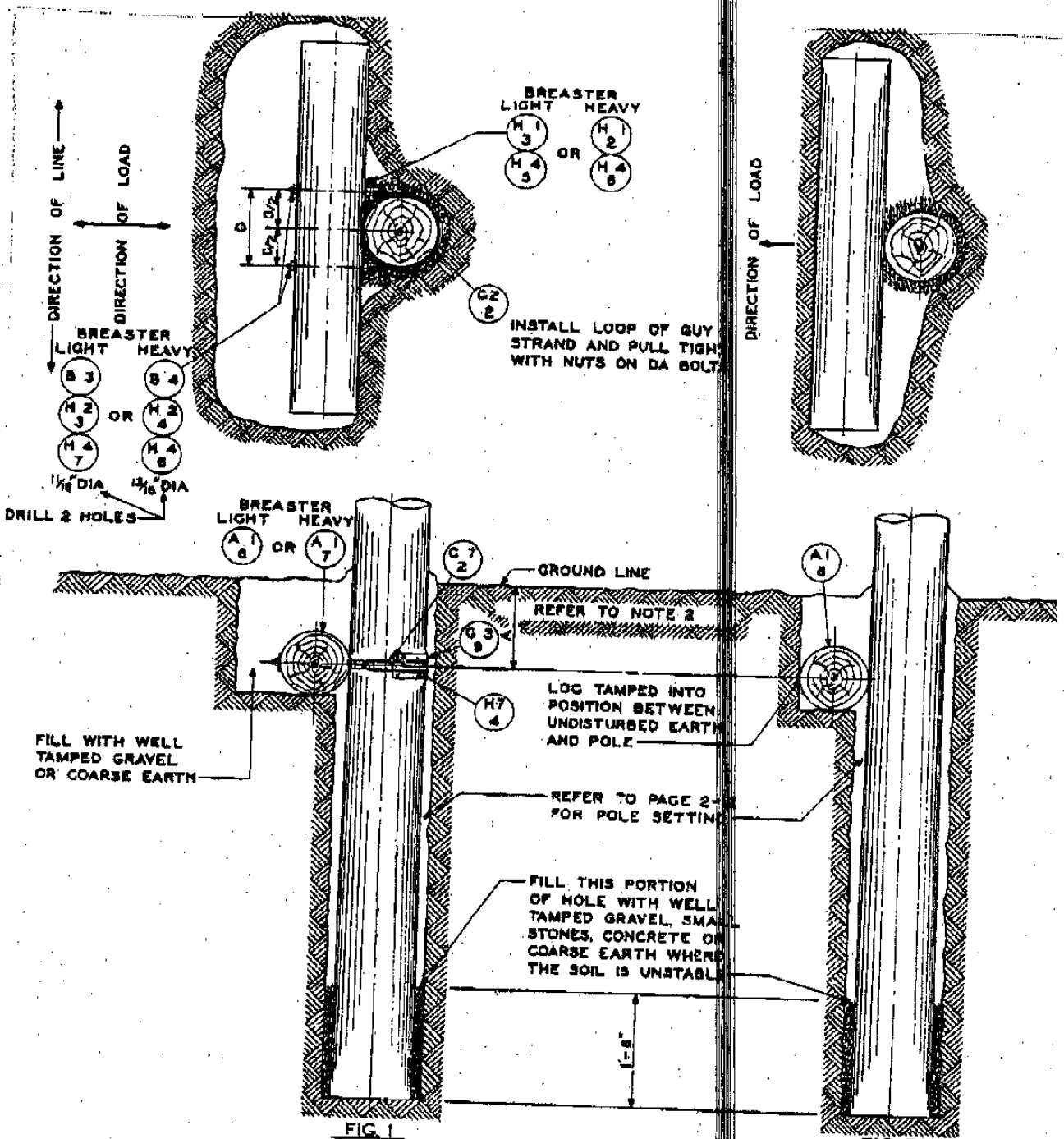


FIG 1
LASHED LOG BREASTER
FOR TRANSVERSE WIND LOADS

FIG 2
UNLASHED LOG BREASTER
FOR DEAD END LOADS

- NOTES**
- 1- INSTALL LOG BREASTERS AS RECOMMENDED ON PAGE 2-8.
 - 2- "X" SHALL BE A MINIMUM OF 24"
 - 3- REFER TO PAGE 2-20.1 FOR ALLOWABLE OVERTURNING MOMENTS OF POLES WITH BREASTERS.

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005, Lansing, Michigan 48909-7505

NOTICE TO SPECIAL ONE-DAY LICENSEES
(Authorized by Act 58, P.A. of 1998)

Like any other licensee of the Commission, Special One-Day licensees are responsible for following the Liquor Control Code and the Rules of the Commission. Unfortunately, it is common that organizations and persons who are running the events do not take time to familiarize themselves with the liquor laws and rules that govern the sale of alcoholic beverages-leading sometimes to steep fines and penalties as well as causing dangerous situations to develop.

The following is a synopsis of some important laws and rules. The list is not all inclusive but it will assist you in maintaining a legal and successful operation at your event. Do not take a chance on violating the law or rules. If in doubt about the legality of any activity or function for your event, call your local police department or the closest Liquor Control District Enforcement office (located in Farmington, Lansing, Gaylord, Grand Rapids, and Escanaba).

Questions can also be answered at the MLCC Special License Unit at (517) 322-1400. You may purchase a copy of the Liquor Control Code and Rules by submitting to the address printed above, a check or money order for \$5.00 made payable to the State of Michigan/MLCC. The Code and Rules are also available for download from the MLCC web site at www.michigan.gov/dleg

- PURCHASES** All your alcoholic beverages must be purchased from an MLCC licensee. **DO NOT** permit BYOB (bring your own bottle) at your event. Do not sell, offer to sell or advertise an unlimited quantity of alcoholic beverages for a single price.
- PROFITS** Do not permit any person, organization or business entity, other than the licensee, to receive any profit or loss from the sale of alcoholic beverages.
- GAMBLING/
CONTESTS** Do not allow gambling other than that which is legal under the state lottery laws. You must obtain a license for legalized gambling from the State Lottery Commission. Ensure that any contests are of a legal nature, and they do not violate any State laws.
- MINORS** Do not allow anyone who is less than 21 years old to purchase or consume alcoholic beverages. Ask for identification and examine it closely. Employment of a minor under the age of 18 must be in accordance with the Youth Employment Standards Act of June 1, 1978.
- INTOXICATION** Always watch for signs of intoxication and limit sales. **Do not allow anyone who is intoxicated to purchase or consume alcoholic beverages**, or to loiter or congregate on the licensed premises.
- LEGAL HOURS** Do not sell alcohol other than beer or wine, on Sunday, unless you have been licensed by the Commission to do so. Do not sell any alcohol between 2am and 7am weekdays and 2am and Noon on Sundays. Do not allow consumption of alcohol between 2:30am and 7am on weekdays and 2:30am and Noon on Sundays. Do not sell alcoholic beverages between 9pm on December 24th and 7am December 26th.
- LICENSED
PREMISES** Control and properly police the area where the alcoholic beverages are being sold and consumed. Do not permit persons to carry their alcoholic beverages outside the area approved for consumption. If your event is near a residential area, make sure your guests do not disturb or intrude on your neighbor's property.
- OTHER RULES** Comply with all local safety and health regulations which apply to the area in which you are licensed.
- COOPERATION** Cooperate with all law enforcement officers. Do not allow in or upon the licensed premises any illegal occupation or illegal act.

REMEMBER...ALL CODES AND RULES WHICH APPLY TO A REGULAR LICENSEE OF THE COMMISSION WHO SELLS ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISE ALSO APPLY TO SPECIAL ONE-DAY LICENSEES. VIOLATIONS OF ANY OF THE CODES AND RULES OF THE LIQUOR CONTROL COMMISSION, OR ANY OTHER REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OR THE PROVISIONS OF THE LIQUOR CONTROL CODE MAY RESULT IN A STOP BEING PLACED AGAINST YOUR ORGANIZATION FOR ISSUANCE OF ANY ADDITIONAL SPECIAL LICENSES.

**PLEASE KEEP THIS NOTICE AND POST IT WITH YOUR LICENSE
ON THE PREMISE DURING THE HOURS OF OPERATION**

9. SUNDAY SALES (Complete only if application is for sale of spirits on Sunday--not beer and wine) :

Will this event be held on Sunday and will spirits be sold? Yes No

If **YES**, complete PART 3 of this application. Attach it to this page and pay the additional Sunday Sales fee. Sunday Sales Permits are granted for the sale of spirits as long as the sale of spirits is not prohibited by local ordinance.

Approval is required of the chief of police or sheriff who has primary jurisdiction where the proposed special license is to be located. The sponsoring organization should prepare a diagram clearly indicating the area for sales and consumption of alcohol with a description of how the area will be policed by the organization. The organization must give a copy of the diagram to the police agency having jurisdiction over the event, and attach the original diagram to this application.

10. APPROVAL OF CHIEF OF POLICE OR SHERIFF:
(Whoever has primary jurisdiction in the local governmental unit where the event is held)

Please review this application and sign only if you approve the issuance of a Special License. If there is a local prohibition against the sale of beer, wine and spirits on Sunday, an application for a license to be in operation on Sunday will not be approved.

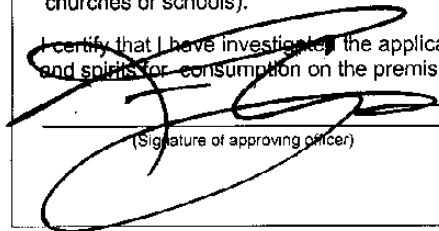
Does the proposed establishment meet all local health and sanitation requirements? Yes No
Is the proposed establishment within 500 feet of a church and/or school? Yes No
If YES, please enter the name and address of the church and/or school.

(Church and/or School Name) (Address)

(Pastor and/or Superintendent) (Telephone)

Attach additional sheets if necessary (for example, within 500 feet of a church AND a school or within 500 feet or if there are multiple churches or schools).

I certify that I have investigated the application of this organization for a Special License for the sale of beer and wine on beer, wine and spirits for consumption on the premises and approve the issuance of a license by the Liquor Control Commission

 Rick Cholinec Chief of Police
(Signature of approving officer) (Print Name and Title) (Date) 5-4-05

11. REQUIRED DOCUMENTS: The following documents are required and must be attached to this application.

- PART 2- a 60-day bond for \$1,000.00. **Please make sure an officer of the organization has signed the bond.**
- PART 3- Sunday Sale affidavit-if the event is held on a Sunday and you are selling spirits.
- PART 4- Military Installation Local Legislative Body Resolution-if event is to be held on a military installation.
- Diagram of Service Area-the diagram must clearly indicate the area for sales and consumption of alcoholic beverages, show the dimensions of the area, and indicate how the area is to be enclosed (fence, rope, etc.) and policed.
- Authorization Letter-from an organization if the event is a fundraiser being held for another organization.
- Proof of non-profit status.

FEES SCHEDULE/PAYMENT:

Organizations established **less than one year:** Organizations established for **one year or more:**
\$50.00 for each day of the event \$25.00 for each day of the event
\$7.50 for an additional Sunday Sales Fee* \$3.75 for an additional Sunday Sales Fee*

Credit card, certified check, bank or postal money order-made payable to the **STATE OF MICHIGAN/MLCC**. A separate fee is due for each day of the special license. Additional fees are required for a Sunday Sales Permit. See the fees schedule shown above. **Do not send an uncertified personal check. Do not send cash through the mail.** Cash is taken at the Lansing office of the Commission and a receipt will be provided. The Commission's offices are open to the public from 8:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:30 p.m., Monday through Friday, except holidays. Special license telephone number (517) 322-1326 or (517) 322-6362 FAX (517) 322- 4955.

* The Sunday sales fee only applies if the event is held on a Sunday and you are selling spirits.

Michigan Liquor Control Commission
7150 Harris Drive - P.O. Box 30005
Lansing, Michigan 48909-7505

PART 1

Application For Special License For Sale of Beer and Wine Only or Beer, Wine and Spirits For Consumption on the Premises

1. Application for: ___ Beer and Wine Only <input checked="" type="checkbox"/> Beer, Wine and Spirits	2. Has your organization received a license before? <input checked="" type="checkbox"/> Yes ___ No
3. Name and Address of Applicant Organization <i>Flint Chamber of Commerce/Swartz Creek Chamber of Commerce 519 S. Saginaw St Suite 200 Flint, MI 48502</i>	4. Non-profit Organization? (check one only) <input checked="" type="checkbox"/> Yes ___ No* (If No, you do not qualify for issuance of this license)
	5. In continuous operation since (date): <i>1906</i>

6. **RESOLUTION OF ORGANIZATION** (required):
At a meeting of the membership or board of directors, held on (date) *4-27-05*, the following resolution was passed by a majority vote.
RESOLVED: That the organization, through its duly authorized officers, make application to the Liquor Control Commission for a Special License for the sale of either Beer and Wine, or Beer, Wine and Spirits, for consumption on the premises to be in effect on the following days (enter dates) *June 2, 3, 4, 5, 2005*, at the following location and address. List name of armory, park, hall, military installation, etc. and address of location:

Location Name: *Property owned by Scott Kincaid*
Address: *5086 Morrish Rd. Swartz Creek, MI 48473*

Outdoor Location No Yes - If yes submit a diagram with dimensions, indicate how it will be contained & security provisions.
This location is in the (city, incorporated village or township) *Swartz Creek*, County of *Genesee*.

7. **CHURCH OR SCHOOL APPROVAL:** If the proposed location is within 500 feet of a church and/or school then you must have both church and/or school officials approve the application for a special license by filling out and signing this box or attaching an authorizing statement sheet.

I, the authorized representative of the named church and/or school, state that we have no objection to the issuance of a special license to the applicant organization, at the location entered on the resolution.

Name and address of church and/or school:

Signature of authorized church and/or school representative, Phone Number and Date:

(Attach additional sheets if necessary.)

8. **MILITARY INSTALLATION:** Is the proposed location at a military installation or a facility operated by the military? ___ Yes No
If YES, you must also have the local government complete PART 4 of this application. Military Agreement Number _____

We understand the granting of this license and operation under such license are subject to all regulations of the Department of Military Affairs, the provisions of the Liquor Control Code, and the Rules of the Commission.

ALL APPLICANTS- We certify that all profits derived from the sale of beer, wine and/or spirits will go to the organization and not to any individual. We further certify that the statements made are true. We further agree to abide by all provisions of the Liquor Control Code and any rules issued by the Commission; that any license issued by the Commission is a contract subject to suspension or revocation by the Liquor Control Commission, that there shall be no liability on the part of the State of Michigan, the Liquor Control Commission, or any of its officers or employees by reason of such suspension or revocation, and that the granting of the license does not create a vested right.

MAIL LICENSE TO: Contact Phone No. (910) *845-5052* (You must be at least 21 years old to sign and receive a license.)
Name *Tonya Ketalyn*
Address *3194 W. Hill Rd.
Flint, MI 48507*

Lawrence J. For...
President (Signature must be legible)
2734 Timber Lane Flint MI 48473
Home Address and Daytime Telephone Number *810 232-7101*

Subscribed and sworn to (date) *MAY 3, 2005*
Signature of Notary *[Signature]*
Print Name *PAUL D. BUECHE*
Commission expires (date) *MARCH 11, 2006*
GENESEE COUNTY

Lawrence J. For...
Secretary (Signature must be legible)
2734 Timber Lane Flint MI 48473
Home Address and Daytime Telephone Number *810 232-7101*

SUNDAY SALES AFFIDAVIT
(Authorized by MCL 436.2115)

COMPLETE AND RETURN ONLY IF SELLING SPIRITS ON SUNDAY

INSTRUCTIONS FOR COMPLETION OF "SUNDAY SALE AFFIDAVIT"

Issuance of a Sunday Sales Permit authorizes your organization to sell spirits for on-premises consumption only on Sunday. Sales of alcoholic beverages are to be from 12 noon Sunday until 2:00 A.M. of the following day.

This permit will not be granted if there is a local prohibition against sale of spirits on Sunday, either through referendum or local ordinance. If, following issuance of this license, it comes to the attention of the Commission that there is such a prohibition, this permit will be canceled.

1. Fill in the name and address of your organization.
2. Enter date that the Sunday Sales Permit will be used. A Sunday Sales Permit is not required for beer and wine only.
3. Have the president or secretary sign the application in front of a Notary Public, and indicate the office he or she holds.
4. Have this form notarized.

We, Flint Chamber of Commerce / Swartz Creek Chamber of Commerce
(Name of Organization) (Address)

certify that the proceeds received from the sale of other goods and services on June 5, 2005
(Date of Event)

will exceed 50% of the total gross receipts (as required by the Liquor Control Code, MCL 436.2113).

[Signature]
(Officer Signature)

Pres & CEO
(Position Held)

2734 Timber Lane, Lansing 48433 810 232-7101
(Home Address) (Phone)

Subscribed and sworn to before me this 3rd day of MAY, 2005
[Signature] Notary Public, GENESEE County
(Signature of Notary)
My Commission expires MARCH 11, 2006
(Date)

Michigan Department of Labor & Economic Growth
Michigan Liquor Control Commission (MLCC)
www.michigan.gov/dleg

CREDIT CARD AUTHORIZATION FORM

Name: Tonya Ketzler
Address: 3194 D. Hill Rd.
City: _____
State: _____
Zip Code: Flint, Mi. 48507

Transaction Amount: \$ 103.75
Credit Card Number: 5178 0523 0054 5468

Check one: MasterCard VISA

Expiration Date: 03-09

This Payment is for: Legion License

Signature: Tonya Ketzler

Notice: This form may be used for payment of goods and services offered by the Michigan Liquor Control Commission, with the exception of the purchase of alcoholic beverages.

LC-65 (Rev. 06/04)
AUTHORITY: MCL 436.1525

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

ATTENTION:

➤ Special License Applications are now available online!

To download an application packet, visit us online at:

www.michigan.gov/dleg

1. On the left side - click on **Liquor Control**
2. Then click **Forms**, under **Forms** click on **Licensing**
3. **General Licensing Forms** – click on Application for Special License (LC 510) (two formats – word or pdf)

Questions – call (517) 322-1326 Linda Ellsworth
(517) 322-6362 Brenda Whitford

**NOTICE OF PUBLIC HEARING
CITY OF SWARTZ CREEK
PROPOSED 2005-2006 BUDGET**

A public hearing concerning the proposed City of Swartz Creek 2005-2006 Fiscal Budget will be held at the regular Council meeting of Monday, May 23, 2005, 7:00 p.m., in the City Council Chambers, 8083 Civic Drive, Swartz Creek, Michigan.

The City of Swartz Creek's proposed 2005-2006 Fiscal Budget is available for inspection at the City Clerk's Office, 8083 Civic Drive, Swartz Creek, Michigan.

All public comments are welcomed. Persons needing special accommodations, please contact City Hall 24 hours in advance of the meeting.

Mary Jo Clark, City Clerk
City of Swartz Creek, Michigan

"An Equal Opportunity Employer"

*****END OF NOTICE*****

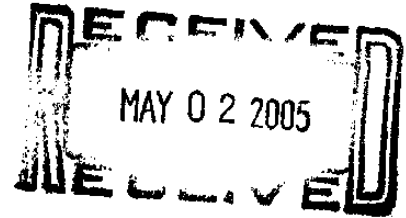
PUBLISH: Sunday, May 8, 2005
THE SWARTZ CREEK NEWS
PROOF REQUIRED

Please bill: City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473-3177

Account #8128



Flint River Watershed Coalition



April 28, 2005

Mary Jo Clark
Clerk
City of Swartz Creek
8083 Civic Drive
Swartz Creek, MI 48473

Dear Mary Jo,

Please join us on Tuesday, May 17th at 7:00 pm at the Mundy Township Hall where our team of environmental specialists and students will present a brief history along with findings and recommendations to be included in the final report of the Swartz Creek Watershed Management plan.

As many of you already know, the Flint River Watershed Coalition (FRWC) and the University of Michigan – Flint's Center for Applied Environmental Research (CAER) have been working to develop a comprehensive watershed management plan for the Swartz Creek Watershed. Our team has worked with citizens and community leaders to identify the challenges and opportunities facing us as we consider the issue of water quality in the Swartz Creek Watershed. Many of you have been involved in the planning process, and we thank you for your involvement and support.

Now, we are holding our final public forum in the development of this plan. We want to let you know the direction in which we are heading; and we want to hear from you before we finalize the plan.

As scientists, conservationists, water quality specialists and students, we recognize that community leaders and officials will be charged with implementing any plan. We know that you are best suited to protect the water resources in our communities and in the entire Great Lakes region. We want to hear from you – and we want your comments on the progress we have made so far. Please join us:

Tuesday, May 17, 2005
7:00 – 8:45 pm
Mundy Township Hall
3478 Mundy Ave.
Swartz Creek, MI 48473

If you have questions, please feel free to call either of us.

Sincerely,

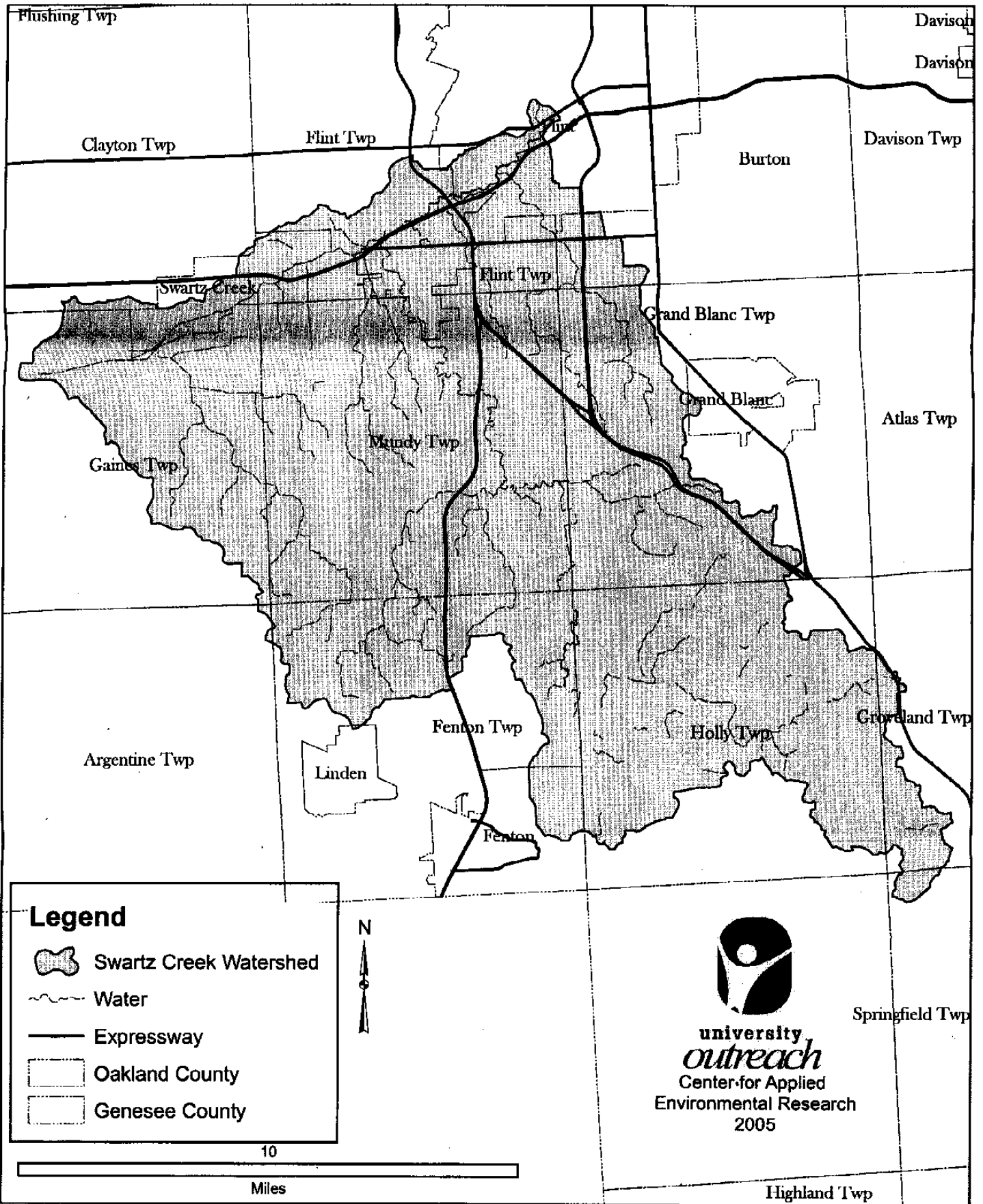
Jack Minor
Executive Director
FRWC

Brent Nickola
Project Manager
University of Michigan, CAER

Please extend this invitation to all Council Members



Swartz Creek Watershed



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April 25, 2005

City of Swartz Creek
Tom O'Brien
8083 Civic Dr.
Swartz Creek, MI 48473

Dear Tom,

Tom, I called you Friday because my manager Craig Culinski at Swartz Creek had called and said the city council has a lot of issues with me and that they are really upset with me. Tom, I have known you professionally for over 15 years, and I believe we have always dealt with each other in a forthright manner. During those 15 years I have received one written letter from a city official and that was a letter from Paul Bueche (10 days ago) stating the city had some problems at the shopping center. Tom, the problem is simple, if the city informs me of problems I can address those concerns. I work 5 ½ days every week, so if you have ANY problems or concerns, I am usually available, please contact me. The problems that can be easily fixed will be.

I would like to address all the concerns/problems that you and Paul say are coming from city council members.

Cars For Sale

I fully agree will you, we do not want used cars for sale in our parking lot. With your suggestion, we are posting towing signs pertaining to cars for sale and overnight parking. We are also sending a letter to the police chief indicating that we agree that such violations should be ticketed and towed (a copy of the letter is attached).

Outside Bagged Goods

The realities of our business have changed and the soils and mulches are a large part of our business today. Twelve years ago, we asked you, if we could have the bagged items in the parking lot, and you told us "yes" if we limited to no more than three parking spaces, and only then did we bring in the mulch and soil. We currently use 2 ½ spaces, and I believe we keep it as neat as possible. Our customers can go, to the Elevator, Speedway or Kroger, or into the Flint area to Lowes, Home Depot, or Wal-Mart to purchase this hardware store type item.

We will comply with any directive you give me, but for now I have told Craig to move the mulch and soils back to it's original position (he acted on his own in moving it).

Drainage Problem / Damaged Concrete / Freezing, Thawing Cycle

A. Building 1 (east) was built by Jory / Luea and no special City of Swartz Creek provisions were required for drainage. It was a flat parking lot that drains under the building and exited at an existing ditch.

- B. Building 2 and 3 were constructed by myself, and the city required us to use the parking lot as retention ponds with the lot severely sloped with the water restricted by smaller drains so that water drained for the lot slowly to the existing ditch. This was an engineered sign plan that met the requirements of the City of Swartz Creek. I believe the city no longer requires this type of parking lot ponding. The required design results in water ponding and freezing.
 - 1. On Building 3 we were told that we needed to add PVC drains to the ditch, so we did and I believe those drains may still terminate at the property line.
- C. Our original plans were to use seamless asphalt, but the planning boards insisted we use concrete to match Building 1 (Jory's building), and we complied even though we cited the fact this concrete would not be as attractive and could create problems because of the engineered parking lot retention ponds, which would result in soil erosion through the concrete seams.
- D. The retention ponds, the restricted drains, use of concrete paving and the continual freezing / thawing cycle results in annual winter damage to the parking lot. Every spring we always temporarily patch and then remove/replace damaged concrete. I have done these repairs every summer since building the buildings.
- E. The retention ponding results in standing water that sometimes freezes with no place to go (the restricted drains freeze), so we do have large iced areas in the parking lot.
- F. Several years ago the adjoining property owner, to the west, clear graded her empty lot and all ground water simply runs onto our lot. The city did require her to install a catch basin on her property. I think a recent city inspection showed that catch basin to be filled with dirt, so that water has no place to go except out on our parking lot. (I believe the city has put a barricade on the catch basin, but not had it cleaned or replaced the basin.) The adjoining lot was graded after we completed our engineered site plan.
- G. I purchased Building 1 (from Jory and Luea) about 10 years after I built my Buildings 2 & 3. It had 6 out of 8 units vacant and had had no exterior renovation until I purchased it.
- H. In hindsight the use of concrete and the required "restricted drains" has resulted in a constant maintenance problem.

Appearance

You letter indicated city council members are unhappy about the 'appearance' of the center. I believe the following –

- A. Our original site plan had 8 additional landscape islands, but I was forced to remove them during the site plan approval process. Later on my Building 2, I was allowed to add the existing islands.
- B. Our original site plan called for asphalt, which would have given us a smoother more attractive lot without the seams and heaving of concrete, which adds to the poor look. The approval boards insisted I use concrete to match Building 1.
- C. The city had me erect a privacy fence at a later date on the south property line, and that was later replaced by the condo's privacy fence.
- D. The city building department had me install a sidewalk across the front of the property, but no one else was required to, and I believe the sidewalk still starts and ends on our property line.
- E. There is an apparent objection to the landscape island on the western entrance. The site planning board originally wanted that island to slow traffic entering into the lot. They were afraid people would come into the lot and cut across it, so the island was installed as part of the required site plan.
- F. I have resided the east, west and south sides of the building with taupe vinyl siding.

- G. The one concrete southern wall has been recently power-washed and is being painted to match the vinyl siding. We did not get it done last fall.
- H. The front sign canopy is painted / stained every summer. Yes, when a tenant moves or vacates we sometimes end up with an unsightly area, but it has been re-stained every single season.

Illegal Signs

The city has the legal and enforcement authority to issue citations and require illegal signs to be removed, and I have no problem with that. There are a lot of illegal signs throughout the city and they should all be removed. Our lease allows only signs that the city approves and specifies that all permits and approvals must be obtained from the city and are the tenant's responsibility.

My attorney has advised us repeatedly that we cannot evict a rent-paying tenant for an 'illegal' sign if the city allows it. Our tenants all have a legal sign area provided on the building and the city should use its legal authority to eliminate the rest. I support 100% your ordinances pertaining to legal signs and their removal.

I think I have addressed the Swartz Creek City Council's concerns and I hope this information will update the council members of the property history. We have attempted on a regular on-going basis to maintain and improve the shopping center. I have economic incentives to maintain the center for my customers and my tenant's customers.

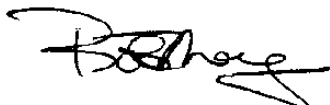
As we discussed, three years ago I had a concrete lot paved with asphalt, and I am pleased with the result and believe this may be something I may try in Swartz Creek late this year or next. Asphalt paving would probably resolve some of the on-going damage caused by standing water, the water seepage with through the concrete seams as well as enhance the looks of the center and help eliminate some of the ongoing annual repair.

I am including a copy of this letter to the city council members in the hope that if anyone has further complaints a simple letter will receive my full attention.

Tom, my family has owned and operated Gill-Roy's Hardware since 1945 (60 years). We have tried to be good neighbors and good merchants in each and every community where we operate. I believe we are a community asset. We are locally owned and provide local jobs, and pay property taxes. We provide a local shopping experience compared to the big box alternatives in Flint and Mundy Township.

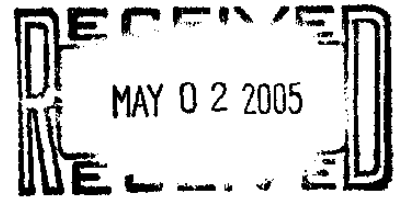
We look forward to doing business in Swartz Creek for many years to come. Tom, please call me if there is anything I have omitted in my response or that I am not aware of.

Sincerely,



Robert Morgan
President

cc: All Swartz Creek City Council Members



STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-13917-R

- Consumers Energy Company experienced an over-recovery of \$5,111,307 of 2004 power supply costs with respect to its large commercial and industrial customers, an under-recovery of \$24,635,878 with respect to its residential customers and an under-recovery of \$67,753 with respect to its small commercial and industrial customers. Consumers Energy Company may refund the large commercial and industrial over-recovery together with interest if the Michigan Public Service Commission approves its request. Consumers Energy Company has not requested to recover the under-recoveries set forth above.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (517) 788-1484 for a free copy of its application. Any person may review the application at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

DATE: May 19, 2005
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

TIME: 9:00 a.m.

PRESIDING OFFICER: Administrative Law Judge Barbara A. Stump

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Individuals attending the hearing are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. Persons with disabilities needing help to participate, should call the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the March 31, 2005 request of Consumers Energy Company (Consumers Energy) for authority to refund its power supply cost recovery (PSCR) for the reconciliation period from January 2004 through December 2004. Separate calculations for each customer class resulted in an under-recovery of \$24,635,878 for residential customers, an under-recovery of \$67,753 for the small commercial and industrial customers and an over-recovery of \$5,111,307 for its large commercial and industrial customers.

The Commission has selected this case for participation in its Paperless Electronic Filings Program. The Commission recognizes that some residential customers may not have the computer equipment or access to the Internet necessary to submit documents electronically. Therefore, residential customers may submit an original and one paper copy to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Otherwise, no paper documents will be required to be filed in this case. Requirements and instructions for filing electronic documents can be found in the Electronic Filings Users Manual at:

<http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf>. The application for account and letter of assurance are located at <http://efile.mpsc.cis.state.mi.us/efile/help>. You may contact Commission staff at (517) 241-6170 or by e-mail at mpscfilecases@michigan.gov with questions and to obtain access privileges prior to filing.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 12, 2005. (Residential customers may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, John C. Shea, One Energy Plaza, Jackson, Michigan 49201.

A member of the public who wishes to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position.

A copy of Consumers Energy's request may be reviewed on the Commission's Web site at <http://efile.mpasc.cis.state.mi.us/efile>, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, MI, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

A Utility Consumer Representative Fund has been created for the purpose of aiding the representation of residential utility customers in energy proceedings. Further information may be obtained from the Chairperson, Utility Consumer Participation Board, Department of Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 2000 PA 141, as amended, MCL 460.10 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

April 21, 2005
Lansing, Michigan