

**City of Swartz Creek  
AGENDA**

**Regular Council Meeting, Monday March 26, 2012 7:00 P.M.  
City Hall Building, 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 of March 12, 2012 MOTION Pg. 8, 13-17
5. **APPROVE AGENDA**
  - 5A. Proposed / Amended Agenda MOTION Pg. 8
6. **REPORTS & COMMUNICATIONS:**
  - 6A. [City Manager's Report](#) (Agenda Item) MOTION Pg. 8, 2-7
  - 6B. Monthly Fire Report & Audit Pg. 18-59
  - 6C. Law Day Proclamation, Bar Association (Agenda Item) Pg. 60-61
  - 6D. Consumers' Contract Addendum, Street Lighting (Agenda Item) Pg. 62-70
  - 6E. REI Proposal, Water System Report (Agenda Item) Pg. 71
  - 6F. 2001 Water System Report (Agenda Item) CD
  - 6G. Marathon Project, 2001-2012 Expenses (Agenda Item) Pg. 72-73
  - 6H. Tax Appeal, Out-Lot B Wray Acres Pg. 74-82
  - 6I. Fire Agreement, Clayton Correspondence Pg. 83-95
  - 6J. Comcast Letter, Channel Changes Pg. 96
7. **MEETING OPENED TO THE PUBLIC:**
  - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
  - 8A. Mayor's Proclamation: Annual Law Day Observance PROC. Pg. 9, 60-61
  - 8B. Addendum, Consumers' Street Lighting Contract RESO. Pg. 10, 62-70
  - 8C. Appropriation, Update Water Reliability Report RESO. Pg. 11, 71 CD
  - 8D. Appropriation, Heritage & Springbrook Vacant Lot Assessments RESO. Pg. 12, 4
  - 8E. Morrish Road Bridge Project, Options DISC. Pg. 2
  - 8F. Marathon Project DISC. Pg. 3, 72-73
9. **MEETING OPENED TO THE PUBLIC:**
  - 9A. General Public Comments
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION TABLE

**City of Swartz Creek  
CITY MANAGER'S REPORT**

**Regular Council Meeting of Monday March 26, 2012 7:00 P.M.**

**TO:** Honorable Mayor, Mayor Pro-Tem & Council Members  
**FROM:** PAUL BUECHE // City Manager  
**DATE:** 23-March-2012

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

- ✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** (*See Individual Category*)
  - ☐ **2011-2014 T.I.P. APPLICATION** (*Discussion*)
    - Here is a schedule of City projects that are funded or in the queue (shaded).

*2011-2014 TIP, PENDING PROJECTS FUNDED & QUEUED (shaded)*

Project	Year	Grant	City Match	P.E.	C.E.	Total
Bristol Road @ GM-SPO	2013	\$54,912	\$13,728	\$8,000	\$16,000	<b>\$92,640</b>
Morrish Road Bridge Deck Over Creek	2013	\$584,000	\$132,000*	\$30,000	\$60,000	<b>\$806,000</b>
Miller Between Tallmadge & Dye	Unfunded	\$951,602	\$237,901	\$76,000	\$120,000	<b>\$1,385,503</b>
Miller Between Seymour & Elms	Unfunded	\$1,635,357	\$408,839	\$100,000	\$160,000	<b>\$2,304,196</b>
<b>Totals:</b>		<b>\$3,225,871</b>	<b>\$792,468</b>	<b>\$214,000</b>	<b>\$356,000</b>	<b>\$4,588,339</b>

\*Includes Enhancements, Walk-Way & Lighting

Design on the Morrish Road Bridge has begun. Mr. Fleury is looking for the City's input on a couple of things, one of which needs some input from the Council. We have two choices on the deck repair; the first is to leave the road open, doing a half at a time. The upside is the road stays open during construction. The down side is construction takes four months and adds about 5% (\$25k). The second is to close the road and detour traffic around to Seymour and Raubinger. The downside is the road is closed. The upside is the 5% savings and construction is estimated to last only half as long, being two months. I've set this for discussion to get some feedback.

- ✓ **2012-2013 FISCAL BUDGET** (*Status*)
  - We are in the process of creating a draft for review. This year's cycle will probably be a near carbon copy of the current budget. We have talked about multiple years projected budgets, but until we decide exactly what we're looking to do with shared services, multiple years would be a toss of the dice. I suspect we'll have much clearer direction for shared services in the early part of the summer. Once we know our direction, we can create an amended budget for the 2012-2013 FY plus either a three year or five year projection. Here is a tentative schedule:

March:	Discussion, Direction
April 9 <sup>th</sup> :	Present Draft, Discussion, Set Public Hearing
May 14 <sup>th</sup> :	Public Hearing, Discussion
Middle May	Special Meeting, If Desired By Council

May 29 <sup>th</sup> :	Adopt Budget, Truth in Taxation Hearing (If Needed), Set Levy, Set 2012-2013 Meeting Schedule, Year End Fiscal Adjustments
June 11 <sup>th</sup> & 25 <sup>th</sup> :	Buffer Dates, If Needed
June 30 <sup>th</sup> :	Fiscal Year End

✓ **COUNTY WWS ISSUES PENDING** (*See Individual Category*)

**KAREGNONDI WATER AUTHORITY** (*Status*)

Pending.

**SEWER I&I PENALTIES, REHABILITATION** (*Status*)

We approved Phase IV of the sewer rehabilitation project (Winshall Drive) at the meeting of July 25<sup>th</sup>, the cost being \$82,492.50. The TV work has revealed we have one for sure, and possibly a second that will need to be excavated to repair. The first is a broken line that's off-set and the second is a "top down" lead into the main that the connection at the main is crushed. The second may be able to be lined but we must be prepared to excavate if the process fails. We've left the deteriorated areas for now until the ground dries up a bit, in towards summer. This work may get expensive as the mains are in the backyards, which will require the removal of fences and the like in order to get to the problem. To further complicate the matter, one of the problem areas has a garage in our easement, very close to where we have to dig. At any rate, we need to get together a very specific bid package that includes a survey to identify easement lines and encroachments. We also will need to factor in maximum costs for property we may damage, prepare grading permits and waivers of liability. We approved light design engineering, survey and bid package preparation in the amount of \$6,847 at the meeting of February 27<sup>th</sup>. We'll be back for review and decision as soon as we get the bids back.

**BEAR CREEK SANITARY SEWER AGREEMENT** (*Status*)

Pending the outcome of the Morrish Road Bridge Project.

✓ **MARATHON REDEVELOPMENT PROJECT** (*Discussion*)

The Council selected the Biggby Project at the Special Meeting of February 20<sup>th</sup>. Here is the schedule:

RFP Issued	September 8, 2011
Pre-Bid Meeting	September 29, 2011 @ 4:00 p.m.
RFP Response Deadline	November 1, 2011 @ 4:00 p.m.
Presentations by Invitation:	February 2, 2012
Council Selection:	February 20, 2012
Purchase Agreement:	March, 2012
Planning Commission Site Plan:	March-April, 2012
Final Site Plan Approval, Develop	
Agreement Approval:	April-May, 2012
Commence Construction:	Spring-Early Summer, 2012

I met with the principals from Atkinson Construction and Attorney Pat Parker, the real estate expert from Mr. Figura's office. We hammered out a draft purchase agreement that should be ready this week (too late for this meeting). There are a few things I want to discuss with the Council before I bring a final draft for approval. The discussion items are what cost do we wish to recover in the transaction and second, what is our secondary goal if something happens in this process that the project comes to a halt. I have some recommendations we can chat about at the meeting.

✓ **PERSONNEL & POLICIES & PROCEDURES** (*Status*)

Pending.

✓ **CITY PROPERTY, 4438 MORRISH ROAD** (*Status*)

We'll look at a disposition for the house at 4438 Morrish in the spring.

✓ **LABOR CONTRACTS, BUILDING DEPARTMENT** (*Status*)

As a short re-cap, all our labor contracts are frozen. The POLC agreement has been frozen since January 2009, AFSCME since July 2008, the Supervisor's since July 2007 and the City Manager's since December 2004. All our union contracts expire on June 30, 2012. As we all know, there are significant changes to labor law that will impact these contracts, if not sooner than later. For the time being, we've opted out of SB #7, the 80% - 20% medical split. We've set a series of meetings with our health care broker, MMERS Representative and state union stewards to search for solutions.

We have two other "at will" classifications, being our part time police officers and our building inspector. The part time police have been frozen since March 2004 with a change in November 2009 to allow time and a half on holidays. The building inspector is part time, hired in October 2006 when the position was established to replace the full time assessor / building inspector. We increased the hours and compensation in anticipation of the Meijer Project. I'll be back shortly with an employment agreement for the Building / Code Inspector. Contracted positions are the assessor and trade inspector's, being electrical, plumbing and mechanical. Mr. Zettel remains as a contracted employee handling planning, DDA and assorted related items. We have a few bugs to work out yet, but I think we'll be good with it

✓ **FIRE DEPARTMENT: BOARD, CONTRACT & COST RECOVERY** (*Status*)

At the meeting of March 12<sup>th</sup>, the Council appointed a three member committee to meet with the Township on the CIF fund and associated planning issues. Included with tonight's packet is a letter to the Township's attorney and a draft of the agreement. I am awaiting a response and subsequent meeting.

✓ **SPRINGBROOK EAST & HERITAGE ASSOCIATION S.A.D.** (*Resolution*)

The cost per unit in Springbrook East is \$2,135.50 (64 units) for a total of \$136,672 (\$12,077 under budget). Heritage Village total reconciliation is \$1,311.86 (115 units) for a total of \$150,864 (\$6,817 under budget). Invoices have been mailed out giving residents an option to pay in full prior to April 2<sup>nd</sup>. After this, there will be five equal assessments of \$262.37 for Heritage and \$427.10 for Springbrook, added to the summer tax bill through 2016. Sometime after the April 2<sup>nd</sup> deadline for full payment, we'll be back to the Council to spread the final fund distribution across the books.

On a related matter, we need to decide what the City desires to do regarding the assessments with the 17 vacant lots we own. We can either pay assessments in full and look to recover the money when we sell them (one to two months), or go on the five year installment plan as indicated above and adjust the sale price accordingly. My recommendation is to pay the assessments now. If we do not pay them off by April 2<sup>nd</sup>, they revert to the five year increment assessment which makes for cloudy bookkeeping when we sell them (i.e., who pays what and when and how do you carry it in the purchase agreements and out of which funds?). I have a resolution to permit and appropriate the payment of all the assessments out of the General Fund. It'll be a journal entry in the ledger, from 101 General Fund to 401 Capital Projects. When we do

sell them, anticipated to be within the next 30-60 days, the price will be the assessment plus an administrative fee to cover miscellaneous soft costs. The payments will post back to the General Fund. The buyer will be responsible to pay all of the closing costs

Here is an updated schedule:

**June 27<sup>th</sup> Meeting:** Heritage & Springbrook Resolutions Directing Staff to Prepare Reports & Documents  
Heritage & Springbrook Resolutions to Accept Findings, Reports, Boundaries & Documents, Place Findings in Clerks Office, Set Public Hearing for July 11, 2011 7:00 PM.

**June 28<sup>th</sup>:** Public Hearing Notices Mailed to Property Owners, Ad Scheduled in Newspaper

**July 11<sup>th</sup> Meeting:** Public Hearing.  
Heritage & Springbrook Resolutions Approving Profiles, Plans & Specifications, Formal Establishment of Special Assessment District, Direct Assessor to Prepare Special Assessment Tax Roll and Report to Council.  
Heritage & Springbrook Special Assessment District Roll Received by Council, Resolution of Acceptance, Order of Filing With Clerks Office, Order of Availability for Public Inspection, Set Public Hearing for July 25, 2011 7:00 PM.

**July 12<sup>th</sup>:** Public Hearing Notices Mailed to Property Owners, Ad Scheduled in Newspaper

**July 25<sup>th</sup> Meeting:** Public Hearing.  
Council Confirms Special Assessment Roll, Order Roll Placed on File, Directs Assessor to Post the Assessment Roll, and Directs Treasurer to Collect As Specified.  
City Clerk must attach warrant to the Special Assessment roll within 10 days.  
Resolute & Sign Construction Contract

**Aug 29<sup>th</sup> - Oct 1<sup>st</sup>:** Construction

**Late October:** Final Expense Reconciliations, Determine per Unit Cost Adjustments (cannot Exceed Maximum Amount Approved).

**January:** Invoice Property Owners,

**April 2, 2012:** Payment Due Monday April 2, 2012.

**April 15, 2012:** Develop and Adopt Cost Distributions Throughout Funds

**June, 2012:** Year One of Five Year Cycle for Assessment Against Tax Roll

**June, 2016:** Last (5<sup>th</sup>) Installment Due

- ✓ **SIGN ORDINANCE** (*Status*)  
Pending draft changes from the meeting of February 2<sup>nd</sup>.
- ✓ **SHARED SERVICES INITIATIVE** (*Status*)  
We voted this unanimously at the February 13<sup>th</sup> meeting. Mundy Township voted it the same night with a 6-1 positive vote. Flint Township voted it February 21, unanimous. Not a bad show of support... 20 out of 21. Mr. Nottley has begun work with completion expected in as early as 90 days. I'll keep the Council posted on developments.
- ✓ **SCHOOL PERFORMING ARTS CENTER** (*Status*)  
Construction is underway.
- ✓ **STREET RE-STRIPING & SYMBOLS** (*Status*)  
We are going to take the winter to review everything, inclusive of the cold plastic symbols, create a bid, and look to do the work when the weather breaks. The plastic symbols, although desirable and longer lasting, are expensive and the number we have seems to be growing by the year. Having said this, we're going to look at the cost-benefit of buying the heat application equipment to do the symbol's work in-house.

We're also going to contact the high traffic volume drives, such as Kroger, with costs to stripe and add Turn Arrows. The logic is to do everything in the early part of the summer which will go a long way in dressing up the appearance of the City.

✓ **MEIJER SITE PLAN ADDENDUM** (*Status*)

The Council approved an amended site plan allowing for the construction of a gross square foot store of 192,214 along with related changes to parking, traffic circulation, lighting, landscaping, and signage, all of which have been deemed by the City's staff as minor and within the general concept of the original site plan approval. We are in the process of re-negotiating the development agreement with Meijer. On paid-in capital, Meijer funded improvements capped at \$1,500,000. To date, they have paid \$1,095,000. They owe the City \$52,873, which when invoiced and paid, will put their contribution, to date, for the Morrish project at \$1,147,873. This leaves \$352,127 left to fund traffic lights that *may or will* be needed at the Morrish Road I-69 ramp and at Bristol and Morrish intersection. Progressive AE has begun the collection of traffic data for the design and submittal to MDOT. I'll keep the Council informed on progress.

✓ **FIVE-YEAR PARKS & RECREATION PLAN, ELMS PARK PROJECT** (*Status*)  
Pending.

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

✓ **ANNUAL LAW DAY OBSERVANCE** (*Mayor's Proclamation*)

Included with tonight's packet is the Mayor's annual proclamation declaring May 1<sup>st</sup> as Law day. This year's theme is "No Courts, No Justice, No Freedom".

✓ **CONSUMERS' STREET-LIGHTING CONTRACT AMENDMENT** (*Resolution*)

Included with tonight's agenda is an addendum to the City's street lighting contract with Consumers' Energy. The addendum calls for the removal and replacement of steel poles, with wood, one at Winston – Chesterfield – Worcester corner and the other at Winston – Chelmsford. There is no cost, the reason being the bases have rusted and are a collapse hazard.

✓ **APPROPRIATION, UPDATE WATER RELIABILITY REPORT** (*Resolution*)

As some of the Council may remember, we performed a Water Reliability Study in 2001 after pressure from the MI-DEQ-DNRE. They state has increasingly more so pushed for the City to update the study for about five years now. They will be back in September to conduct the annual audit and my guess is they'll ramp up the pressure significantly and may grade our system as non-compliant. REI has provided a price of \$9,968 to gather the data, make the calculations and reduce them to paper. Another issue that I will have REI focus on in the report is the 12" main that runs along Miller from Dye to Seymour. It's become a medium that transmits a quarter or so of its volume out of the City, to which we get little compensation for. Perhaps this line should be County owned, maintained and operated. At any rate, a resolution is included with tonight's program to update the study.

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

- ❑ *Traffic Lights, Bristol-Miller, GM-SPO.* Pending the direction that GM takes. New traffic counts as to warrants would need to be taken.
- ❑ *Deteriorated Retaining Walls & Planters at City Buildings.* The wall along the north side of the building has been repaired. We are looking at options on some of the other repairs around the site.
- ❑ *Youth Programs in Park.* Looking into this. This item is something that might best be suited for the City's School Liaison Officer. The matter has been referred to the Police Department for review and recommendation.
- ❑ *Veterans Park Memorial, Street Signs.* Pricing has been presented to the committee. They are in the process of evaluating it.
- ❑ *Relocate – Remove Drop Boxes, Kroger & Morrish Road Real Estate Office.* We have made calls on these with promises to remove them. The one at the abandoned real estate office on Morrish is gone. We're still working on Kroger's.
- ❑ *Water / Sewer Charges, Car Wash.* Pending a Report.
- ❑ *Deteriorated Building, Morrish at CNA Crossing.* Pending.

**City of Swartz Creek  
RESOLUTIONS**

**Regular Council Meeting, Monday March 26, 2012 7:00 P.M.**

**Resolution No. 120326-4A            MINUTES – MARCH 12, 2012**

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

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held March 12, 2012 to be circulated and placed on file.

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

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

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

**Resolution No. 120326-5A            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 March 26, 2012, to be circulated and placed on file.

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

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

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

**Resolution No. 120326-6A            CITY MANAGER’S REPORT**

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

**I Move** the Swartz Creek City Council approve the City Manager’s Report of March 26, 2012, to be circulated and placed on file.

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

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

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



**2012 GENESEE COUNTY BAR ASSOCIATION ANNUAL  
LAW DAY OBSERVANCE**

**WHEREAS**, the American justice system is charged with upholding and protecting the rights, as well as the freedom and justice of all Americans; and

**WHEREAS**, in 1961, the United States Congress issued a joint resolution declaring May 1<sup>st</sup> Law Day; which is a national day to recognize and celebrate our justice system and the rule of law; and

**WHEREAS**, the 2012 Law Day theme, "No Courts, No Justice, No Freedom," provides an opportunity to highlight the crucial role of our courts and to foster a better understanding of the judiciary; and

**WHEREAS**, the City of Swartz Creek urges all community residents, school administrators, teachers, students, business leaders, civic leaders, legal professionals and law students to support this national day by participating in Law Day activities.

**NOW, THEREFORE, I, RICHARD B. ABRAMS**, Mayor of the City of Swartz Creek, do hereby proclaim May 1<sup>st</sup>, 2012, as Law Day. I further call upon the people of the City of Swartz Creek to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and display the flag of the United States of America, the State of Michigan and the City of Swartz Creek, in support of this educational observance. I further encourage schools, businesses, media, religious institutions, civic, and service organizations to join members of the bar and bench in commemorating Law Day.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 26<sup>th</sup> Day of March, in the year two thousand and twelve.

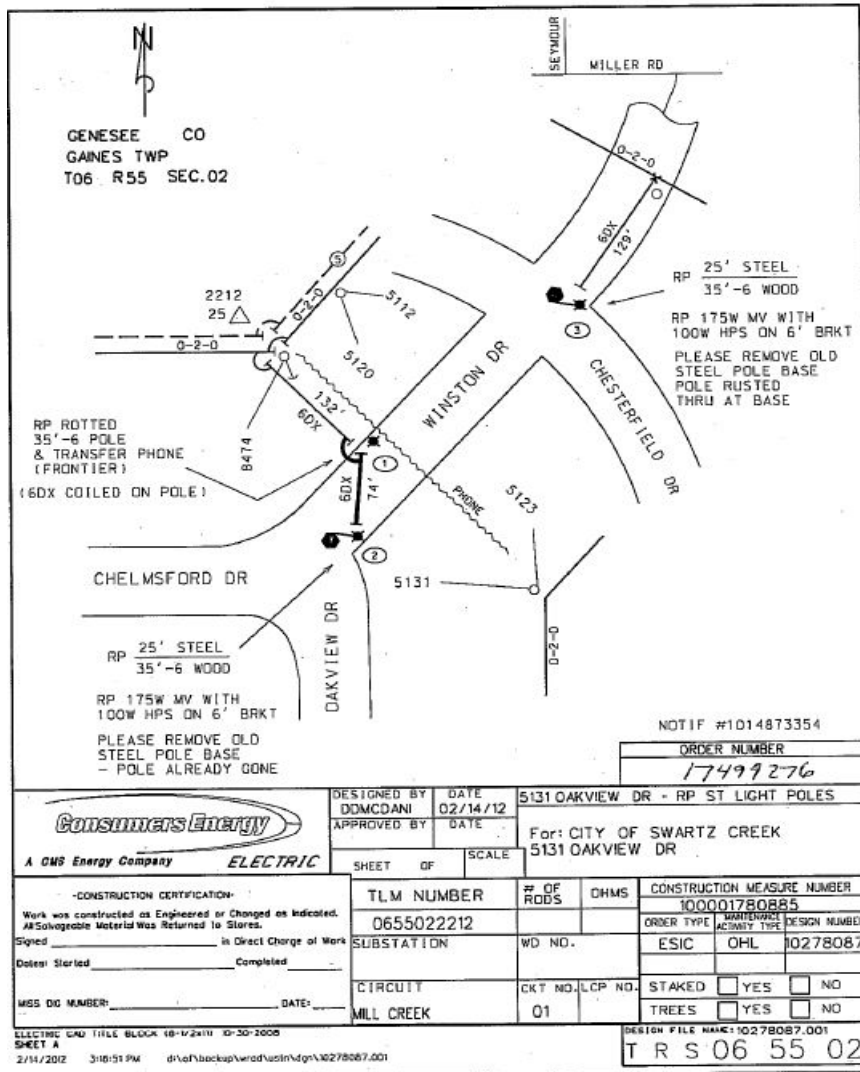
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Mayor **RICHARD B. ABRAMS**

**ADDENDUM, CONSUMERS' ENERGY STREET LIGHTING CONTRACT**

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

**I Move** the City of Swartz Creek approve an addendum to the City's Street Lighting Contract with Consumers Energy, dated January 1, 1973, allowing for the removal, of two (2) existing overhead street lights and the replacement and relocation of two (2) overhead street lights, the first being at the intersection of Winston – Chesterfield – Worcester, the second at the intersection of Winston – Chelmsford, Consumers' Energy Work Order #17499276, in accordance with the specifications submitted by Consumer Energy as follows:



And further, the Council directs the Mayor and City Clerk to execute the addendum on behalf of the City.

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

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

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

**APPROPRIATION, UPDATE 2001 WATER RELIABILITY STUDY**

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

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$9,968, plus 10% contingency, to the City’s Engineer, Rowe Professional services Inc., for the update of the City’s 2001 Water Reliability Evaluation and Study, specifications as follows:



March 19, 2012

Mr. Tom Svrcek, Director of Public Services  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Proposal for Water Reliability Study Update

Dear Mr. Svrcek:

ROWE Professional Services Company is pleased to provide you with this proposal for updating the city’s water reliability study in accordance with the requirements of the MDEQ.

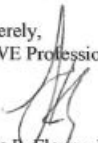
Our previous experience and history of the City of Swartz Creek water system will allow us to complete the update in an economical manner. The following items will be incorporated into the study:

- Update the hydraulic water model with both present and future projected demands, including pressure, storage and fire flow analysis.
- Measure hydrant flows throughout the system to calibrate the water model.
- Obtain and compile the city water records and volumes from the past five years.
- Revise the growth rate projections and review the estimated excess capacity needs for the future.
- Make recommendations with cost estimates for future improvements to the city’s water system.

Our fee for the above referenced scope is **\$9,968**. After you have reviewed this proposal, please feel free to contact me with any suggestions or questions you may have. We anticipate the study will take 6 to 8 weeks to complete.

Again, we would like to thank you for the opportunity to submit this proposal; should you have any questions please feel free to contact me.

Sincerely,  
ROWE Professional Services Company

  
Louis P. Fleury, P.E.  
Project Manager

and upon completion, to bring the report back to the City Council for review and approval, funds to be taken from 590 Water System and further, direct the staff to make necessary adjustments and entries in the City’s financial accounting software,

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

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

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

**APPROPRIATION, HERITAGE VILLAGE & SPRINGBROOK EAST VACANT LOT ASSESSMENTS**

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

**I Move** the City of Swartz Creek appropriate the amount of \$32,185.30 from the City’s General Fund 101 to 401 Capital Projects Heritage Village and Springbrook East Special Assessment Districts, for the payment of the assessments in accordance with the following schedule:

***Heritage Village Lots (\$1,311.86 Each)***

<u>Parcel No.</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Address</u>
58-30-651-091	3284 Heritage Blvd	58-30-651-094	3264 Heritage Blvd
58-30-651-092	3278 Heritage Blvd	58-30-651-099	6217 Bainbridge Dr
58-30-651-093	3270 Heritage Blvd		

***Springbrook East Lots (\$2,135.50 Each)***

<u>Parcel No.</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Address</u>
58-36-676-039	Lindsey Dr	58-36-676-051	Lindsey Dr
58-36-676-040	Lindsey Dr	58-36-676-053	Lindsey Dr
58-36-676-041	Lindsey Dr	58-36-676-054	Lindsey Dr
58-36-676-042	Lindsey Dr	58-36-676-055	Lindsey Dr
58-36-676-043	Lindsey Dr	58-36-676-056	Lindsey Dr
58-36-676-044	Lindsey Dr	58-36-676-064	Russell Dr

And further, authorize the City Staff to make appropriate entries in the City’s data accounting systems to reflect the payments, and further, direct the Staff to prepare a plan for the liquidation and sale of the properties to recover the funds expended for the assessments.

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

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

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

**City of Swartz Creek**  
**Regular Council Meeting Minutes**  
*Of the Meeting Held*  
**Monday March 12, 2012 7:00 P.M.**

**CITY OF SWARTZ CREEK**  
**SWARTZ CREEK, MICHIGAN**  
**MINUTES OF THE COUNCIL MEETING**  
**DATE 03/12/2012**

The meeting was called to order at 7:00 p.m. by Mayor Abrams in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Binder, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar, DPS Director Tom Svrcek.

Others Present: Tommy Butler, Lou Fleury. Boots Abrams, Steve Shumaker, Ron Schultz, Bob Plumb, Richard Mattson.

**APPROVAL OF MINUTES**

**Resolution No. 120312-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held February 27, 2012, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 120312-02**

**(Carried)**

Motion by Mayor Pro-Tem Krueger  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council approve the Agenda, as printed, for the Regular Council Meeting of March 12, 2012, to be circulated and placed on file.

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

## REPORTS AND COMMUNICATIONS:

### City Manager's Report

#### Resolution No. 120312-03

(Carried)

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of March 12, 2012, to be circulated and placed on file.

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

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

## MEETING OPENED TO THE PUBLIC:

Tommy Butler, 40 Somerset, spoke about fireworks stating that he hopes they are not sold in the City due to the dangerous nature of them.

## COUNCIL BUSINESS:

### C.D.B.G. Civic Area Street Lighting Project

#### Resolution No. 120312-04

(Carried)

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**WHEREAS**, the City has been allocated a three year Community Development Block Grant allotment in the amount of \$26,716, with an expenditure deadline of April 30, 2012, extended under approval to July 31, 2012; and

**WHEREAS**, the City held a Public Needs Hearing on November 23, 2009 to hear comments from the public and to identify qualifying projects and priorities, findings as follows:

#### 11-23-2009 Public Needs Hearing-CDBG Allocation

(Public Hearing)

Assistant City Manager Adam Zettel made a brief presentation. Items discussed during the Public Hearing include:

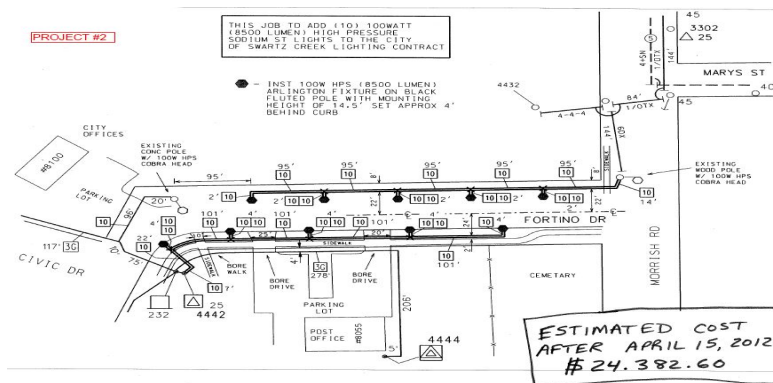
- Demolition of Sunoco Station, Marathon Station, 5129 Morrish Rd. (blacksmith shop), or City-owned parcel on Morrish Road near Fortino.
- Elms to Heritage Trail.
- Public street lighting/streetscapes on Miller or Elms.
- Downtown streetscapes or entryway signage.
- Capital improvements of Senior Center/Library or Public Safety Building.
- Farmers Market improvements.

- Sidewalk improvements or additions.
- Street improvements, local streets or Miller Road.
- Tree plantings.
- Concealment of overhead utility wires downtown.
- Senior Center operating (15%).
- Improvements to the retaining walls and signs throughout the civic campus area.
- Restriping of the Senior Center parking lot.
- Business Incubator
- Art Guild

**WHEREAS**, the City chose to place decorative lighting along Miller Road west of Elms, however in design and planning, discovered that the cost benefit is limited due to labor intensity; and

**WHEREAS**, a similar decorative street-lighting project is needed within the City's Civic Area along Fortino Drive, the area having been identified within the City's qualifying public needs review process; and

**WHEREAS**, the City has obtained engineered drawings and cost estimates from Consumer's Energy for the installation of ten decorative lights along the north and south sides of Fortino Drive extending westerly from Morrish Road, as follows:



**WHEREAS**, cost estimate from Consumer's Energy is \$24,383 with no need for design or construction engineering, and further, the City finds that Consumer's Energy is a public utility company doing work within the right of way and within the City's street-light agreement dated January 1, 1973 and therefore, not subject to competitive bid.

**NOW, THEREFORE, I Move** the City of Swartz Creek approve the Consumer's Energy Civic Area Street-Lighting Project as drawn and submitted, a copy of the proposal included within, and further, appropriate an amount not to exceed \$24,383, plus 20% contingency, for the installation of ten 100 watt HPS (8500 Lumen) 14.5' Arlington Fixture Black Fluted Poles (4' curb set back).

**BE IT FURTHER RESOLVED**, that the City authorize and approve an amendment to the City's Street-Lighting Contract with Consumer's Energy consistent with the improvements identified within, and further, direct the Mayor and City Clerk to execute any documents associated with the amendment.

**BE IT FURTHER RESOLVED** that the staff is authorized and directed to make necessary changes to the City's General Ledger to reflect the C.D.B.G. Civic Area Street-Lighting Project with appropriate revenue and expense accounts, and further,

make notification to the Genesee County Metropolitan Planning Commission of the project changes.

Discussion Ensued.

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

**Boards & Commissions, Appoint City Fire Board Representative Swing Position**

**Resolution No. 120312-05**

**(Carried)**

Motion by Councilmember Binder  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek concur with the Mayor's appointment of Boots Abrams, of 5352 Greenleaf Drive, to the Swartz Creek Area Fire Board, City Swing Position, term to run April 1, 2012 expiring March 31, 2013.

Discussion Ensued.

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

**Fire Agreement**

**(Discussion)**

City Manager Bueche briefly discussed the status of the fire agreement.

**Appropriation, Progressive AE: Morrish Road Meijer Traffic Signals, Data Collection, Warrants**

**Resolution No. 120312-06**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Binder

**I Move** the City of Swartz Creek appropriate an amount not to exceed \$29,582 plus 10% contingency, to the City's Traffic Engineering Firm Progressive AE of Grand Rapids Michigan, for traffic safety and engineering services on Morrish Road from I-69 to Bristol Road, consummate to the development of a Meijer Retail Outlet at 4141 Morrish (Main Store) and 4155 Morrish (Convenience Store), in accordance with the specifications in the proposal dated March 9, 2012, and further, direct the City Staff to make necessary adjustments to the City's accounting system reflect revenues and expenses related to the project.

Discussion Took Place.

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



**Natural Gas Energy Use**

**(Discussion)**

City Manager Bueche spoke about different companies that want to offer natural gas to the City buildings.

**MEETING OPENED TO THE PUBLIC:**

Boots Abrams, 5152 Greenleaf, thanked the Council for appointing her back to the Fire Board.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Binder stated that the 30<sup>th</sup> anniversary party for the Senior Center was very nice.

Councilmember Hurt asked where things stand on the old Sunoco station. He was advised that it is in the public auction phase. Mr. Hurt also asked about the BP station that closed recently.

Mayor Pro-Tem Krueger thanked Mrs. Abrams for being willing to serve on the Fire Board.

Mayor Abrams spoke about the Girl Scouts 100<sup>th</sup> anniversary celebration. Mr. Abrams spoke about the Small Cities meeting on April 4<sup>th</sup> at JT's Country Kitchen.

**Adjournment**

**Resolution No. 120312-07**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:30 p.m.

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

**Richard Abrams, Mayor**

**Juanita Aguilar, City Clerk**

DATE: MARCH 19, 2012  
TIME: 7:00 PM  
LOCATION: STATION 1  
SUBJECT: SWARTZ CREEK AREA FIRE AUTHORITY AGENDA



- I. CALL TO ORDER
  - A. PLEDGE OF ALLEGIANCE
  - B. ROLL CALL
  - C. ADDITIONS/CHANGES/DELETIONS AND AGENDA APPROVAL:
  - D. SPECIAL PRESENTATIONS/ANNOUNCEMENTS:
    1. Audit presentation
- II. APPROVAL OF MINUTES
  - A. FEBRUARY 20, 2012 MEETING:
- III. CORRESPONDENCE:
  - A. FEBRUARY INCIDENT SUMMARY REPORT:
- IV. PROFESSIONAL SERVICE REPORTS:
  - A. FEBRUARY FINANCIAL REPORT:
- V. COMMITTEE REPORTS:
  - A. BY-LAWS COMMITTEE - Chairman Rick Clolinger, Richard Derby, Bill Cavanaugh and Brent Cole:
  - B. HEALTH AND SAFETY COMMITTEE: Chairman Rich Tesner (Members Chief Cole, Assistant Chief Merriam, Captain Tabit, and Lieut. Jones)
  - C. PERSONNEL COMMITTEE: Chairman Ray Thornton, Richard Derby and David Hurt.
    1. Fire Chief annual evaluation
  - D. FIRE AGREEMENT COMPLIANCY COMMITTEE: Chairman Dave Hurt, Richard Derby, Ray Thornton and Attorney Bill Cavanaugh.
- VI. OLD BUSINESS:
  - A. APPARATUS UPDATE from Battalion Chief Jack King-
    1. Apparatus status report attached
    2. The rear brakes on E12 need repair. Estimates will be presented as an

addition at the meeting.

- B. FIRE AGREEMENT STATUS: The following is from the City Manager's report for the March 12 City Council meeting:

**FIRE DEPARTMENT: BOARD, CONTRACT & COST RECOVERY (*Resolution*)**

Clayton Township has elected not to participate in a fire controlled CIP find. They will handle funds collected within their finances and any operational funds left over at the end of the Fire Departments Fiscal Year are to be equally divided and returned back to the City and the Township. CIP Funds currently being held by the Fire Department are to be equally divided and returned to the City and Township. Other than this section, the contract is acceptable. I still need to chat with their attorney and work out the details of the language. I should have it ready for the next meeting. I recommend we accept and move forward. On another matter, Clayton's swing position on the Fire Board expires March 31<sup>st</sup>. The City needs to appoint a replacement. Boots Abrams has graciously agreed to sit for another year and the Mayor seems cautiously willing to loan her out for a couple of hours a month. A resolution to this effect is included with tonight's agenda.

Discussion:

- C. SERGEANT'S POSITION PROMOTION FOR STATION 1:

- D. DEFENSE LOGISTICS AGENCY (DLA): After an exhaustive effort to finalize the process, it was determined that only a DNR person can have access to the equipment list for the State of Michigan. The process to acquire any equipment includes listing what you might be interested in with the hopes we will be contacted if anything is available.

VII. NEW BUSINESS:

A. MEMBERS FOR PLACEMENT ON PROBATION: none.

B. MEMBERS ELIGIBLE TO COME OFF PROBATION: none

C. MEMBERS RESIGNING/TERMINATING: none

D. MEMBERS ELIGIBLE FOR REINSTATEMENT:

1. Bryan Wistuba, was originally with the SCAFD from 04/21/08 to 06/17/10. He has re-apply. The Pre-Employment Panel has recommended he be reinstated. Since he has been gone for over 1 year, placement on 1 year probation is protocol. He would be assigned to station 1.

**Chief Cole recommends Bryan Wistuba be placed on one (1) year probation with the Swartz Creek Area Fire Department pending results of his physical.**

E. CLAYTON TOWNSHIP FIRE MILLAGE APPROVAL:

Discussion

- F. MINITOR III & IV PAGER DISPOSAL: Attached is an email from Captain Tabit requesting permission to dispose of 8 Minitor III and 10 Minitor IV pagers that will not be compliant with the FCC narrow band requirement in the near future. In addition, Joe Edgerton as requested a donated pager so he can be notified of Salvation Army Canteen dispatches. He will be required to sign a hold harmless form letter to receive the pager and charger.

**Chief Cole requests permission to dispose of 8 Minitor III and 10 Minitor IV pagers while donating one pager to Joseph Edgerton and remove them from the SCAFD inventory.**

- G. TURN OUT GEAR DISPOSAL: Attached is an email from Captain Tabit requesting permission to dispose of 8 bunker coats and 7 bunker pants that have reached their 10 year life span.

**Chief Cole requests permission to dispose of 8 bunker coats and 7 bunker pants and remove them from the SCAFD inventory.**

- H. OCCUPATIONAL HEALTH DYNAMIC (OHD) FIT TESTER/QUANTIFIT CALIBRATION: The SCBA fit testing equipment requires re-calibration annually. Attached is the quoted for 2012.

**Chief Cole requests permission to proceed with OHD annual fit testing calibration in the amount of \$660.00 plus shipping to send the unit.**

- I. STATION 2 RECRUITMENT DRIVE: Currently there are five (5) firefighters, one (1) Sergeant, one (1) Lieutenant and one (1) Captain assigned. Chief Cole and Assistant Chief Merriam are also designated to respond out of station 2 but are command staff. The focus is to try and recruit personnel close to station 2. Sign placements then newspaper advertising or articles will be considered. The SCAFD roster includes 31 (Wistuba included). We have room for 42.

**Chief Cole requests permission to proceed with a recruitment campaign for station 2 personnel.**

J.

VIII. GENERAL INFORMATION:

- A. MUNICIPAL BILLINGS for February
- B. FEBRUARY BILLS LIST
- C. Flowers fund balance \$35.00
- D. Thank you card from Ella Schell.
- E.
- F.
- G.
- H.

IX. OPEN TO THE PUBLIC:

X. COMMENTS OF FIRE DEPARTMENT PERSONNEL (THROUGH THE CHIEF AND/OR HIS DESIGNATE:

XI. CHAIN OF COMMAND APPEAL TO THE FIRE AUTHORITY:

XII. COMMENTS FROM FIRE AUTHORITY MEMBERS:

XIII. MEETING ADJOURNMENT:

Kim

# SWARTZ CREEK AREA FIRE DEPARTMENT

Swartz Creek, Michigan

## FINANCIAL STATEMENTS

December 31, 2011

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BERTHIAUME  
& COMPANY

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Certified Public Accountants



# SWARTZ CREEK AREA FIRE DEPARTMENT

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## INDEPENDENT AUDITORS' REPORT

To the Swartz Creek Area Fire Department Board  
Swartz Creek, Michigan

We have audited the accompanying financial statements of the governmental activities and the major fund of the Swartz Creek Area Fire Department as of and for the year ended December 31, 2011, which collectively comprise the Department's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Department's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Swartz Creek Area Fire Department as of December 31, 2011, and the respective changes in financial position for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis (pages 4 through 6) and budgetary comparison information (page 17) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Swartz Creek Area Fire Department's financial statements as a whole. The supplemental information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements. The supplemental information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures



applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

During the year ended December 31, 2011, the Swartz Creek Area Fire Department implemented GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund-type Definitions*. As discussed in Note 1, as a result of implementing this new statement, fund balance may now be classified into five new categories – Nonspendable, Restricted, Committed, Assigned and Unassigned.

*Berthiaume & Co.*

Saginaw, Michigan  
February 1, 2012

***MANAGEMENT'S DISCUSSION AND ANALYSIS***

# SWARTZ CREEK AREA FIRE DEPARTMENT

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## MANAGEMENT'S DISCUSSION AND ANALYSIS

Our discussion and analysis of the Swartz Creek Area Fire Department's financial statements provides an overview of the Department's financial activities for the fiscal year ended December 31, 2011. This discussion and analysis is designed to assist the reader in focusing on the significant financial issues and activities and to identify any significant changes in financial position. We encourage readers to consider the information presented here in conjunction with the financial statements as a whole.

### OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to provide a basic understanding of the Swartz Creek Area Fire Department's statements. These statements comprise three components: (1) government-wide financial statements, (2) fund (modified accrual) financial statements, and (3) notes to the financial statements. Supplemental information is also provided for additional information purposes.

#### Government-wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Swartz Creek Area Fire Department's finances, in a manner similar to a private-sector business.

The *statement of net assets* presents information on all of the Swartz Creek Area Fire Department's assets and liabilities, with the differences between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Department is improving or deteriorating.

The *statement of activities* presents information showing how the government's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

#### Fund (Modified Accrual) Financial Statements

Unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds (modified accrual) statements with similar information presented for government-wide financial statements. By doing so, readers may better understand the long-term impact of the Department's near term financing decisions.

The Swartz Creek Area Fire Department adopts an annual budget for the operating fund. A budgetary comparison statement has been provided to demonstrate compliance with this budget.

#### Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund (modified accrual) financial statements.

### FINANCIAL HIGHLIGHTS

#### Government-wide Financial Analysis

As noted earlier, net assets may serve over time as a useful indicator of a government's financial position. As shown on the chart below, the Department's assets exceeded liabilities by \$284,482 at the end of the fiscal year.

# SWARTZ CREEK AREA FIRE DEPARTMENT

## MANAGEMENT'S DISCUSSION AND ANALYSIS

The net assets is separated into two major components, invested in capital assets, which amounted to \$177,308 or 62 percent of net assets, and unrestricted net assets of \$107,174 or 38 percent of net assets.

The following table shows the net assets as of December 31, 2011 and 2010:

### Swartz Creek Area Fire Department's Net Assets

	<u>2011</u>	<u>2010</u>
<b>Assets:</b>		
Other assets	\$ 111,988	\$ 95,797
Capital assets	<u>177,308</u>	<u>149,235</u>
Total assets	<u>289,296</u>	<u>245,032</u>
<b>Liabilities:</b>		
Other liabilities	<u>13,202</u>	<u>21,908</u>
<b>Net Assets:</b>		
Invested in capital assets	177,308	149,235
Unrestricted	<u>107,174</u>	<u>84,126</u>
Total net assets	<u>\$ 284,482</u>	<u>\$ 233,361</u>

The following table presents the changes in net assets for the year ended December 31, 2011 and 2010:

### Swartz Creek Area Fire Department's Changes in Net Assets

	<u>2011</u>	<u>2010</u>
<b>Revenues:</b>		
Operating grants and contributions	\$ 263,621	\$ 267,304
Capital grants and contributions	71,163	-
Interest	386	248
Other	<u>3,132</u>	<u>42</u>
Total revenues	<u>338,302</u>	<u>267,594</u>
<b>Expenses:</b>		
Operations	245,424	245,960
Depreciation	<u>41,920</u>	<u>44,244</u>
Total expenses	<u>287,344</u>	<u>290,204</u>
Net revenues over (under) expenses before other items	<u>50,958</u>	<u>(22,610)</u>
<b>Other Items:</b>		
Sale of capital assets	<u>163</u>	<u>-</u>
Change in net assets	51,121	(22,610)
Net assets, beginning of year	<u>233,361</u>	<u>255,971</u>
Net assets, end of year	<u>\$ 284,482</u>	<u>\$ 233,361</u>

# SWARTZ CREEK AREA FIRE DEPARTMENT

## MANAGEMENT'S DISCUSSION AND ANALYSIS

### Financial Analysis of Fund (Modified Accrual) Statements

As noted earlier, the focus of the fund (modified accrual) financial statements is to provide information on the near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Department's financing requirements. In particular, unreserved fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Department reported an ending fund balance of \$107,174, an increase of \$23,048 from the prior year.

### BUDGETARY HIGHLIGHTS

The Department annually prepares formal budgets with amendments made when necessary. The amendments were relatively minor.

### CAPITAL ASSETS

The Department had \$177,308 in capital assets, net of accumulated depreciation at December 31, 2011. During the year, the Department had \$69,993 in capitalized acquisitions. Depreciation for the year was \$41,920.

The following table summarizes the capital assets at December 31, 2011 and 2010.

	<u>2011</u>	<u>2010</u>
Machinery and equipment	\$ 388,981	\$ 468,821
Office equipment	2,999	15,519
Vehicles	<u>759,959</u>	<u>759,959</u>
Total depreciable capital assets	1,151,939	1,244,299
Accumulated depreciation	<u>(974,631)</u>	<u>(1,095,064)</u>
	<u>\$ 177,308</u>	<u>\$ 149,235</u>

### LONG-TERM DEBT

As of December 31, 2011, the Department had no long-term debt which was the same as the prior fiscal year.

### ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

For 2012, the Department has proposed a balanced budget with anticipated revenues and expenditures of \$263,490. This is a decrease of \$4,710 or 2% from 2011.

### CONTACTING THE DEPARTMENT MANAGEMENT

This financial report is designed to provide a general overview of the Swartz Creek Area Fire Department's finances and to show accountability. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Swartz Creek Area Fire Department, 8100 B Civic Drive, Swartz Creek, Michigan 48473.

***BASIC FINANCIAL STATEMENTS***

# SWARTZ CREEK AREA FIRE DEPARTMENT

## GOVERNMENTAL FUND BALANCE SHEET/STATEMENT OF NET ASSETS

December 31, 2011

	<i>Governmental Fund</i>	<i>Adjustments (Note 2)</i>	<i>Statement of Net Assets</i>
<b>Assets:</b>			
Cash and cash equivalents	\$ 108,310	\$ -	\$ 108,310
Accounts receivable	8,388	-	8,388
Prepaid expenditures/expenses	3,678	-	3,678
Capital assets:			
Depreciable capital assets, net	-	177,308	177,308
Total assets	\$ 120,376	177,308	297,684
<b>Liabilities and Fund Balance:</b>			
<i>Liabilities:</i>			
Accounts payable	\$ 10,774	-	10,774
Payroll liabilities	2,428	-	2,428
Total liabilities	13,202	-	13,202
<i>Fund Balance:</i>			
Nonspendable: Prepaid expenditures	3,678		
Committed for: Future capital purchases	103,496		
Total fund balance	107,174		
Total liabilities and fund balance	\$ 120,376		
<b>Net Assets:</b>			
Invested in capital assets		177,308	177,308
Unrestricted		-	107,174
Total net assets		\$ 177,308	\$ 284,482

*The accompanying notes are an integral part of these financial statements.*

# SWARTZ CREEK AREA FIRE DEPARTMENT

## STATEMENT OF GOVERNMENTAL REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE/STATEMENT OF ACTIVITIES

Year Ended December 31, 2011

	<i>Governmental Fund</i>	<i>Adjustments (Note 2)</i>	<i>Statement of Activities</i>
<b>Revenues:</b>			
Operating contributions	\$ 204,480	\$ -	\$ 204,480
Federal grants	64,334	-	64,334
Equipment contributions	52,312	-	52,312
Interest	386	-	386
Contributions	6,829	-	6,829
Other	10,124	-	10,124
Total revenues	<u>338,465</u>	<u>-</u>	<u>338,465</u>
<b>Expenditures/Expenses:</b>			
Operations	315,417	(69,993)	245,424
Depreciation	-	41,920	41,920
Total expenditures/expenses	<u>315,417</u>	<u>(28,073)</u>	<u>287,344</u>
Change in fund balance/net assets	23,048	28,073	51,121
Fund balance/Net assets, beginning of year	<u>84,126</u>	<u>149,235</u>	<u>233,361</u>
Fund balance/Net assets, end of year	<u>\$ 107,174</u>	<u>\$ 177,308</u>	<u>\$ 284,482</u>

*The accompanying notes are an integral part of these financial statements.*



***NOTES TO FINANCIAL STATEMENTS***

# SWARTZ CREEK AREA FIRE DEPARTMENT

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## NOTES TO FINANCIAL STATEMENTS

December 31, 2011

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### NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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The accounting and reporting policies of the Swartz Creek Area Fire Department (Department) included in the basic financial statements conform to U.S. generally accepted accounting principles applicable to state and local governments.

#### **Reporting Entity -**

The Swartz Creek Area Fire Department has been organized as a joint venture of the City of Swartz Creek and Clayton Charter Township. The agreement provides for a joint exercise of power and the establishment of a separate administrative entity. Members of the Department Board are appointed by the City and the Township. The City of Swartz Creek and Clayton Charter Township each have an undivided one-half interest in the assets of the Department.

The Department has followed the guidelines of the Governmental Accounting Standards Board's Statement No. 61 and has determined that no entities should be consolidated into its financial statements as component units. The Department is not considered to be a component unit of any other governmental unit.

#### **Government-wide and Fund Financial Statements -**

The government-wide financial statements (i.e. the Statement of Net Assets and the Statement of Changes in Net Assets) report information of all activities of the Department. The Swartz Creek Area Fire Department is accounted for in one governmental type fund.

As permitted by GASB Statement No. 34, the Department uses an alternative approach reserved for single program governments to present combined government-wide and fund financial statements by using a columnar format that reconciles individual line items of fund financial data to government-wide data in a separate column. Accordingly, this is presented in the Governmental Fund Balance Sheet/Statement of Net Assets and the Statement of Governmental Revenues, Expenditures and Changes in Fund Balance/Statement of Activities.

#### **Measurement Focus, Basis of Accounting and Financial Statement Presentation -**

The government-wide financial statements (i.e. the Statement of Net Assets and Statement of Activities) are reported using the economic resource measurement focus and the accrual basis of accounting. Revenue is recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grant and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider have been met.

The fund (modified accrual) statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenue is recognized when it is both measurable and available. Revenue is considered to be available if it is collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, expenditures relating to compensated absences and claims and judgments, if any, are recorded only when payment is due.

# SWARTZ CREEK AREA FIRE DEPARTMENT

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## NOTES TO FINANCIAL STATEMENTS, continued

December 31, 2011

### Assets, Liabilities and Net Assets or Equity -

**Cash Equivalents** - Cash equivalents are deposits and short-term investments that are readily convertible to cash or have a maturity date of 90 days or less from the date of purchase.

**Capital Assets** - Capital assets, which include property, plant and equipment, are reported in the government-wide financial statements. Capital assets are defined by the Department as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Capital assets are depreciated using the straight-line method over the following:

Machinery and equipment	7-20 years
Office equipment	5-7 years
Vehicles	7 years

The Department utilizes some vehicles that were purchased by the applicable entities prior to organizing as a Department. These assets are not recorded in the Department financial statements, but rather in the municipalities that purchased the assets.

**Deferred Revenue** - In both the government-wide and in the fund (modified accrual) financial statements, revenue received or recorded before it is earned is recorded as deferred revenue.

**Long-Term Obligations** - In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the statement. In the fund financial statements, these items are recorded as expenditures when paid.

**Fund Equity** - In the fund financial statements, fund balance may be presented in five possible categories, each of which identifies the extent to which the Department is bound to honor constraints on the specific purpose for which amounts can be spent:

*Nonspendable* - amounts which cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact.

*Restricted* - amounts that have constraints placed on their use by an external party or constitutional provisions or enabling legislation (grants, contributions, specific fee mandates).

*Committed* - amounts that are committed for specific purposes by the Department Board, as the Department's highest level of decision-making authority, pursuant to constraints imposed by formal actions taken, such as majority vote or resolution. These committed amounts cannot be used for any other purpose unless the Department Board removes or changes the specific use through the same type of formal action taken to establish the commitment.

*Assigned* - amounts that are constrained by the Department's intent to be used for specific purposes, but are neither restricted nor committed. The Department Board has the authority to assign amounts to be used for specific purposes.

# SWARTZ CREEK AREA FIRE DEPARTMENT

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## NOTES TO FINANCIAL STATEMENTS, continued

December 31, 2011

*Unassigned* – amounts that are available for any purpose.

**Estimates** - In preparing financial statements in conformity with generally accepted accounting principles, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

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### NOTE 2: RECONCILIATION OF FUND/GOVERNMENT-WIDE FINANCIAL STATEMENTS

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**A.** Explanation of differences between the fund (modified accrual) balance sheet and the government wide statement of net assets.

<b>Fund balance</b>			\$ 107,174
Capital assets used in the modified accrued activities are not financial resources and therefore are not reported in the governmental fund.			
	Capital assets	1,151,939	
	Less accumulated depreciation	<u>(974,631)</u>	<u>177,308</u>
<b>Net assets</b>			<u>\$ 284,482</u>

**B.** Explanation of differences between the fund (modified accrual) statement of revenues, expenditures, and changes in fund balance and the government-wide statement of activities.

<b>Change in fund balance</b>			\$ 23,048
The governmental fund reports capital outlay as expenditures. However, in the statement of activities, the cost of those assets is depreciated over their estimated useful lives and reported as depreciation expense.			
	Capital outlay	69,993	
	Less depreciation expense	<u>(41,920)</u>	<u>28,073</u>
<b>Change in net assets</b>			<u>\$ 51,121</u>

---

### NOTE 3: STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

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#### **Excess of Expenditures over Appropriations in Budgeted Funds:**

The Uniform Budgetary and Accounting Act, PA 2 of 1968, as amended, provides that a local governmental unit shall not incur expenditures in excess of the amount appropriated. The Department's budget was approved at the account level.

# SWARTZ CREEK AREA FIRE DEPARTMENT

## NOTES TO FINANCIAL STATEMENTS, continued

December 31, 2011

During the year, the Department's expenditures in excess of the amounts appropriated, as follows:

	<u>Final Budget</u>	<u>Actual</u>	<u>Actual Over Final Budget</u>
Equipment supplies	\$ 9,112	\$ 9,651	\$ 539
Fire equipment	26,688	82,036	55,348
Fire equipment - Upgrades	1,787	20,377	18,590

### NOTE 4: DEPOSITS AND INVESTMENTS

#### Deposits:

Act 217 PA 1982, as amended, authorizes the Department to deposit in certificates of deposit, savings accounts, depository accounts or depository receipts of a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this State under the laws of this State or the United States, but only if the bank, savings and loan association, savings bank or credit union is eligible to be a depository of surplus funds belonging to the State under Section 5 or 6 of Act 105 of the Public Acts of 1855, as amended, by section 21.145 and 21.146 of the Michigan Compiled Laws.

Federal Deposit Insurance Corporation (FDIC) regulations provide that deposits of governmental units are to be separately insured for the amount of \$250,000 for deposits in an insured institution for savings and demand deposits. Furthermore, if specific deposits are regulated by statute or bond indenture, these specific deposits are to be separately insured for the amount of \$250,000.

As of December 31, 2011, the Department maintained checking and savings accounts with a carrying value of \$108,223, and bank balances of \$111,151. The bank balance was FDIC insured at December 31, 2011.

### NOTE 5: CAPITAL ASSETS

Capital assets for the year ended December 31, 2011 was as follows:

	<u>Beginning January 1, 2011</u>	<u>Additions</u>	<u>Retirements</u>	<u>Ending December 31, 2011</u>
Depreciable capital assets				
Machinery and equipment	\$ 468,821	\$ 69,993	\$ (149,833)	\$ 388,981
Office equipment	15,519	-	(12,520)	2,999
Vehicles	759,959	-	-	759,959
Total depreciable capital assets	<u>1,244,299</u>	<u>69,993</u>	<u>(162,353)</u>	<u>1,151,939</u>
Accumulated depreciation	<u>(1,095,064)</u>	<u>(41,920)</u>	<u>162,353</u>	<u>(974,631)</u>
Depreciable capital assets, net	<u>\$ 149,235</u>	<u>\$ 28,073</u>	<u>\$ -</u>	<u>\$ 177,308</u>

Depreciation expense for the year ended December 31, 2011 was \$41,920.

# SWARTZ CREEK AREA FIRE DEPARTMENT

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## NOTES TO FINANCIAL STATEMENTS, continued

December 31, 2011

As indicated in Note 1, the Department utilizes some vehicles purchased by the member municipalities prior to the forming of the Department. These assets are not recorded in the Department's financial statements but rather by the municipalities that purchased the assets.

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### NOTE 6: LONG-TERM LIABILITIES

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The Department had no long-term liabilities outstanding at December 31, 2011.

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### NOTE 7: FUNDING

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The Department is financed each year by the participating municipalities. This funding represents approximately 76% of total revenues for the year ending December 31, 2011. Consequently, the Department's ability to provide services is dependent upon the continuing support of those municipalities.

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### NOTE 8: RISK MANAGEMENT

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The Department is exposed to various risks of loss related to property loss, torts, errors and omissions, and employee injuries (workers' compensation). The Department participates in the Michigan Municipal Workers' Compensation Fund for workers' compensation claims and participates in the Michigan Township Participating Plan for claims relating to general and auto liability, auto physical damage, and property loss claims. Settled claims relating to the commercial insurance have not exceeded the amount of insurance coverage in the past three fiscal years.

The Michigan Township Participating Plan risk pool program operates as a common risk-sharing management program for local units of government in Michigan; member premiums are used to purchase excess commercial insurance coverage and to pay member claims in excess of deductible amounts.

The Michigan Municipal Workers' Compensation Fund provides that the pool will be self-sustaining through member premiums and will reinsure through commercial companies for claims in excess of limitations imposed by the pool. The Department pays annual premiums to the respective pool for workers' compensation insurance coverage. The Michigan Municipal Workers' Compensation Fund provides coverage of claims up to \$500,000 per occurrence.

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### NOTE 9: EMPLOYEE BENEFIT PLANS

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#### Deferred Compensation Plan:

The Department offers its firefighters a deferred compensation plan created in accordance with IRC Section 457. The plan permits them to defer a portion of their current salary until future years. The Department contributes \$4.00 per month and \$1.25 per run for firefighters that have elected to participate in the deferred compensation plan.

***REQUIRED SUPPLEMENTAL INFORMATION***

# SWARTZ CREEK AREA FIRE DEPARTMENT

## GOVERNMENTAL FUND

### BUDGETARY COMPARISON SCHEDULE

Year Ended December 31, 2011

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Actual</u>
	<u>Original</u>	<u>Final</u>		<u>Over (Under)</u>
<b>Revenues:</b>				
Operating contributions	\$ 212,562	\$ 212,562	\$ 204,480	\$ (8,082)
Federal grants	-	-	64,334	64,334
Equipment contributions	52,312	52,312	52,312	-
Interest	120	120	386	266
Contributions	-	-	6,829	6,829
Other	-	-	10,124	10,124
<b>Total revenues</b>	<u>264,994</u>	<u>264,994</u>	<u>338,465</u>	<u>73,471</u>
<b>Expenditures:</b>				
Salaries - Staff	42,500	39,049	39,012	(37)
Salaries - Main/Train	10,900	11,700	11,700	-
Salaries - Officers	15,000	15,000	14,370	(630)
Salaries - Firefighters	60,000	60,000	51,918	(8,082)
Social security	10,800	13,906	8,951	(4,955)
Deferred compensation	2,500	2,670	2,670	-
Medical - Firefighters	4,500	4,500	3,355	(1,145)
Office supplies	1,000	1,880	1,880	-
Building supplies	700	700	536	(164)
Equipment supplies	8,000	9,112	9,651	539
Contract services	5,800	5,800	5,452	(348)
Communications	3,420	3,585	3,585	-
Education and training	4,562	4,562	3,833	(729)
Insurance	26,000	23,943	23,943	-
Utilities	17,000	17,000	12,495	(4,505)
Office equipment	240	260	260	-
Fire equipment	29,091	26,688	82,036	55,348
Fire equipment - Maintenance/Repairs	24,072	22,960	16,007	(6,953)
Fire equipment - Upgrades	-	1,787	20,377	18,590
Computer equipment	1,800	2,167	2,170	3
Computer software/updates	600	1,216	1,216	-
<b>Total expenditures</b>	<u>268,485</u>	<u>268,485</u>	<u>315,417</u>	<u>46,932</u>
Change in fund balance	(3,491)	(3,491)	23,048	26,539
Fund balance, beginning of year	<u>84,126</u>	<u>84,126</u>	<u>84,126</u>	<u>-</u>
Fund balance, end of year	<u>\$ 80,635</u>	<u>\$ 80,635</u>	<u>\$ 107,174</u>	<u>\$ 26,539</u>



*SUPPLEMENTAL INFORMATION*

# SWARTZ CREEK AREA FIRE DEPARTMENT

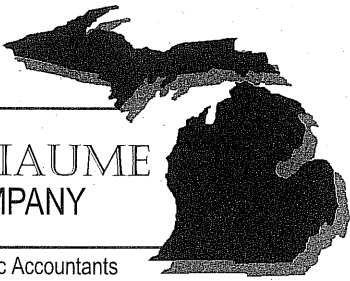
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## GOVERNMENTAL FUND

### COMPARATIVE DETAILED SCHEDULE OF EXPENDITURES

Years Ended December 31, 2011 and 2010

	<u>2011</u>	<u>2010</u>
Salaries - staff and training/maintenance	\$ 50,712	\$ 53,607
Salaries - officers	14,370	15,000
Salaries - firefighters	51,918	70,110
Deferred compensation	2,670	3,122
Payroll taxes	8,951	10,611
Medical expenses	3,355	4,622
Office supplies	1,880	1,486
Building supplies	536	686
Equipment supplies	9,651	6,156
Contract services	5,452	3,459
Communications	3,585	2,889
Insurance	23,943	24,460
Utilities	12,495	12,874
Education and training	3,833	5,519
Equipment maintenance	16,007	14,752
Equipment and software	106,059	15,713
	<u>\$ 315,417</u>	<u>\$ 245,066</u>



**REQUIRED COMMUNICATION TO SWARTZ CREEK AREA FIRE DEPARTMENT  
IN ACCORDANCE WITH PROFESSIONAL STANDARDS**

To the Fire Dept. Board  
Swartz Creek Area Fire Department

We have audited the financial statements of the governmental activities and the major fund of the Swartz Creek Area Fire Department for the year ended December 31, 2011, and have issued our report thereon dated February 1, 2012. Professional standards require that we provide you with the following information related to our audit.

**Our Responsibility Under U.S. Generally Accepted Auditing Standards**

As stated in our engagement letter dated November 18, 2010, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

**Planned Scope and Timing of the Audit**

We performed the audit according to the planned scope and timing previously communicated to you in our engagement letter.

**Significant Accounting Policies**

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the Swartz Creek Area Fire Department are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

**Accounting Estimates**

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates may be particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the financial statements.

### **Disclosures**

The disclosures in the financial statements are neutral, consistent, and clear. Certain financial statement disclosures may be particularly sensitive because of their significance to financial statement users.

### **Difficulties Encountered in Performing the Audit**

We encountered no difficulties in performing and completing our audit.

### **Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements, if any.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

### **Management Representations**

We have requested certain representations from management that are included in the management representation letter dated February 1, 2012.

### **Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### **Issues Discussed Prior to Retention of Independent Auditors**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### **Communication of Internal Control Matters Identified in the Audit**

In planning and performing our audit of the financial statements of the Swartz Creek Area Fire Department as of and for the year ended December 31, 2011, in accordance with auditing standards generally accepted in the United States of America, we considered the Swartz Creek Area Fire Department's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control. Accordingly, we do not express an opinion on the effectiveness of the Organization's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to

prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in the Fire Department's internal control to be a material weakness:

Recording, Processing and Summarizing Accounting Data

Criteria: All governmental units are required to have in place internal controls over recording, processing, summarizing accounting data and preparing financial statements.

Conditions: As is the case with many smaller and medium-sized entities, the Fire Department has historically relied on its independent external auditors to assist in preparing financial statements as part of its external financial reporting process. Accordingly, the organization has placed reliance on its external auditors, who cannot by definition be considered a part of the internal controls.

Cause: This condition was caused by the organization's decision that it is more cost effective to have external auditors prepare the financial statements than to incur the time and expense for the government to perform these tasks internally.

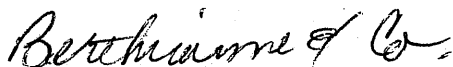
Effect: As a result of this condition, there is considered a lack of internal controls over the preparing of financial statements.

View of Responsible Officials: The Fire Department has evaluated the cost versus benefit of establishing internal controls over the preparing of financial statements, and determined that it is in the best interests of the organization to rely on its external auditors to prepare the financial statements.

\*\*\*\*\*

This communication is intended solely for the information and use of the Fire Board and Management and the State of Michigan Department of Treasury, and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,



Berthiaume & Company  
Certified Public Accountants  
Saginaw, Michigan

February 1, 2012

# REGULAR MEETING

FEBRUARY 20, 2012

## SWARTZ CREEK AREA FIRE DEPARTMENT

The regular meeting of the Swartz Creek Area Fire Board was held at Station #1, February 20, 2012. Chairman, Mike Messer, called the meeting to order at 7:02p.m.

### **I. CALL TO ORDER:**

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

#### Board Members Present:

- Chairman, Mike Messer
- Clayton Representative, Rich Tesner
- City Representative, Rick Clolinger
- Clayton Representative, Norvel Johnson
- Clayton Representative, Richard Derby
- City Representative, Ray Thornton

Board Members Absent: City Representative, Dave Hurt

#### Staff Present:

- Fire Chief, Brent Cole
- Assistant Chief Eric Merriam
- Acct./Clerical, Kim Borse
- Attorney, Bill Cavanaugh

Staff Absent: None

#### Others Present:

- Batt. Chief Jack King
- Jeff Kelley, Firefighter

### **C. AGENDA: ADDITIONS/CHANGES/DELETIONS:**

- **Resolution 022012-01**

Motion by Ray Thornton

Second by Rick Clolinger

The SCAFD Board does hereby approve the addition of VII. C.2 to the agenda and approve the agenda as amended.

YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer

NO: None

Motion declared carried

### **D. SPECIAL PRESENTATION: NONE**

### **II. APPROVAL OF MINUTES**

#### **A. JANUARY 16, 2012 BOARD MEETING**

- **Resolution 022012-02**

Motion by Ray Thornton

Second by Norvel Johnson

The SCAFD Board does hereby approve the minutes of the January 16, 2012 board meeting, as presented.

YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer

NO: None

Motion declared carried

### **III. CORRESPONDENCE:**

#### **A. JANUARY INCIDENT SUMMARY REPORT:**

- **Resolution 022012-03**

Motion by Rick Derby

Second by Rick Clolinger

The SCAFD Board does hereby accept the January 2012 Incident Summary, as presented

YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer

NO: None

Motion declared carried

### **IV. PROFESSIONAL SERVICE REPORTS:**

#### **A. JANUARY FINANCIAL STATEMENT:**

- **Resolution 022012-04**

Motion by Norvel Johnson

Second by Rich Tesner

The SCAFD Board does hereby approve the January 2012 financial statement, as presented

YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer

NO: None

Motion declared carried

### **V. COMMITTEE REPORTS:**

- A. BY-LAWS COMMITTEE MEETING: NONE
- B. HEALTH & SAFETY COMMITTEE: NONE
- C. PERSONNEL COMMITTEE: Chief Evaluations due back to Kim by 03/20/12
- D. FIRE AGREEMENT COMPLIANCY COMMITTEE: Waiting for millage vote outcome

**VI. OLD BUSINESS**

- A. APPARATUS UPDATE:
  - 1. Monthly report from Batt. Chief King
- B. FIRE AGREEMENT: See above
- C. COPIER SERVICE COMPANY QUOTES:

- **Resolution 022012-05**  
 Motion by Norvel Johnson  
 Second by Ray Thornton

The SCAFD Board does hereby accept the quote from Brady's Business Systems for copier maintenance.  
 YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer  
 NO: None Motion declared carried

**VII. NEW BUSINESS**

- A. MEMBER(S) TO BE PLACED ON PROBATION: None
- B. MEMBER TO COME OFF PROBATION: None
- C. MEMBERS RESIGNING/TERMINATING: K. VanArsdale, D. Link

- **Resolution 022012-06**  
 Motion by Rick Derby  
 Second by Norvel Johnson

The SCAFD Board does hereby accept Kevin VanArsdale resignation effective February 1, 2012.  
 YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer  
 NO: None Motion declared carried

- **Resolution 022012-07**  
 Motion by Rich Tesner  
 Second by Rick Derby

The SCAFD Board does hereby accept Dale Link's resignation effective February 17, 2012.  
 YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer  
 NO: None Motion declared carried

- D. MEMBERS ELIGIBLE FOR REINSTATEMENT: NONE
- E. FEMA GRANT STATUS: Both grants were rejected
- F. STATION 1 SERGEANT'S POSITION:

- **Resolution 022012-08**  
 Motion by Rick Clolinger  
 Second by Norvel Johnson

The SCAFD Board does hereby approve the posting for the Sergeant's position at station 1.  
 YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer  
 NO: None Motion declared carried

- G. DEFENSE LOGISTICS AGENCY::

- **Resolution 022012-09**  
 Motion by Ray Thornton  
 Second by Norvel Johnson

The SCAFD Board does hereby approve the Chief to proceed with acquiring access to the DLA and Chairman Messer to sign access letter.  
 YES: Clolinger, Derby, Johnson, Tesner, Thornton, Messer  
 NO: None Motion declared carried

**VIII. GENERAL INFORMATION**

- A. MUNICIPAL BILLINGS
- B. JANUARY BILLS LIST
- C. FLOWERS FUND BALANCE IS \$35.00
- D. EMAILS TO MUNICIPAL LEADERS REGARDING GRANS FOR SIREN UPDATES
- E. SALUTE TO EVERYDAY HERO'S NOMINATION
- F. THANK YOU FROM GTFD

**IX. OPEN TO THE PUBLIC: NONE**

**X. COMMENTS OF FIRE DEPARTMENT PERSONNEL, THROUGH THE CHIEF: NONE**

**XI. CHAIN OF COMMAND APPEAL TO THE FIRE BOARD: NONE**

**XII. COMMENTS OF THE FIREBOARD:**

Clolinger: Sorry to see 2 more firefighters leave

**SWARTZ CREEK AREA FIRE DEPARTMENT BOARD MEETING**

**FEBRUARY 20, 2012**

Tesner: Thank you to Kevin & Dale for their years of service  
Looking forward to presenting a grant approval at next meeting  
Thornton: Thank you to Kevin & Dale for their years of service  
Johnson: Inquired on MEMAC meeting in Clio  
Derby: Thank you to Kevin & Dale for their years of service  
Losing a lot of good people lately  
Messer: Ditto

**XIII. ADJOURNMENT OF MEETING:**

Meeting adjourned at 7:42 p.m. The next regular meeting will be 03/29/12 at Station 1 at 7:00 pm

*MIKE MESSER  
CHAIRMAN  
SWARTZ CREEK AREA FIRE BOARD*

*KIM BORSE  
ACCT/CLERICAL SPECIALIST  
SWARTZ CREEK AREA FIRE DEPT.*



SWARTZ CREEK AREA FIRE DEPT, SWARTZ CREEK MICHIGAN 48473

Incident Log for 02/01/2012 through 02/29/2012

Printed: 03/14/2012

Inc. No. - Exp. Location	Date	Disp. Time	Sta. Incident Type	Owner Name	Prop & Cont Value	No. Resp	Disp. to Enrte. Min. Prop & Cont Loss	Officer in Charge	Resp. Min. Savings	Total Hr:Min:Sec
0000013-000 4067 Commerce DR	02/01/2012	19:36	12 111 Mut Aid to Mt Morris Twp #2		\$0	14	0.00	COLE, BRENDT J - LIEUTENANT	9.00	2:24:00
0000014-000 1411 Winfield DR MR Lee A Viers	02/03/2012	10:13	2 131 Passenger vehicle fire	MR Lee A Viers	\$0	10	0.00	MERRIAM, ERIC M - ASSISTANT	6.00	1:19:00
0000015 000 1347 N Elms RD MS Denise Hockens	02/05/2012	18:37	2 173 Cultivated trees or nursery stock	MR Doug Carlton	\$0	17	0.00	MERRIAM, ERIC M - ASSISTANT	17.00	0:31:00
0000016-000 2534 N McKinley RD MR John Jepson	02/07/2012	20:41	2 445 Arcing primary fuse on pole		\$0	13	0.00	MERRIAM, ERIC M - ASSISTANT	12.00	0:30:00
0000017-000 Morrish and Morrish and Lennon MR Johnnie W Earnest	02/10/2012	18:43	2 352 Extrication of victim(s) from		\$0	15	0.00	MERRIAM, ERIC M - ASSISTANT	12.00	1:17:00
0000018-000 Potter and Potter and North Field Circle MR Marc R Gilbert	02/11/2012	09:34	2 411 Gasoline or other flammable liquid		\$0	12	0.00	MERRIAM, ERIC M - ASSISTANT	23.00	1:09:00
0000019-000 Corunna and Corunna and Morrish MS Rene Patsy	02/19/2012	10:52	2 444 Power line down, unfounded		\$0	8	0.00	MERRIAM, ERIC M - ASSISTANT	2.00	0:10:00
0000020-000 Adjacent to 5403 S Seymour RD	02/20/2012	22:17	1 600 Odor Investigation, unfounded		\$0	16	6.00	KING, JACK L - BATT CHIEF	10.00	0:29:00
0000021-000 4300 S Duffield RD MRS Annette Sowa	02/20/2012	15:34	1 743 Smoke detector activation, no fire	MRS Annette Sowa	\$0	12	0.00	KING, JACK L - BATT CHIEF	5.00	0:11:00
0000022-000 9225 W Cook RD	02/21/2012	23:26	12 111 AMA to Gaines Township		\$0	11	0.00		16.00	2:04:00
0000023-000 Directions I-69; EB I-69 @ Miller Rd MR Matthew Bauchen	02/29/2012	18:22	1 600 Vehicle Fire (False)	MR Matthew Bauchen	\$0	14	0.00	KING, JACK L - BATT CHIEF	4.00	0:14:00

Incidents by Shift Including Exposures

No. Resp.	Total Hr:Min	Prop & Cont Value	Prop & Cont Loss	Savings	0	1	2	3	4	
<b>Totals:</b>	142	10:18:00	\$0	\$0	\$0	0	3	8	0	0

The total number of incidents, including exposure fires is 11.

The number of exposure fires is 0.

SWARTZ CREEK AREA FIRE DEPARTMENT  
Income/Expense Report  
For the Two Months Ending February 29, 2012

	Description	Current Mth	Y-T-D	Budget	Remain. Budget	% Budget
<b>Revenues</b>						
3582	OPERATING CONTRIBUTION	3,633.12	106,130.12	227,180.00	121,049.88	(0.47)
3583	EQUIPMENT CONTRIBUTION	0.00	0.00	36,190.00	36,190.00	0.00
3628	MISC. INCOME (SUNDRY)	6.00	6.00	0.00	(6.00)	0.00
3630	GRANT INCOME	0.00	4,850.00	0.00	(4,850.00)	0.00
3664	INVESTMENT INCOME	21.69	44.92	120.00	75.08	(0.37)
3673	SALE OF FIXED ASSETS	0.00	0.00	0.00	0.00	0.00
	<b>Total Revenues</b>	<b>3,660.81</b>	<b>111,031.04</b>	<b>263,490.00</b>	<b>152,458.96</b>	<b>(0.42)</b>
<b>Expenses</b>						
4703	SOCIAL SECURITY	678.96	850.23	10,600.00	9,749.77	0.08
4704	STAFF SALARIES	3,133.16	5,372.01	42,500.00	37,127.99	0.13
4705	MAIN/TRAIN-SALARIES	859.00	859.00	10,900.00	10,041.00	0.08
4706	OFFICER SALARIES	1,250.00	1,250.00	15,000.00	13,750.00	0.08
4707	FIREFIGHTERS SALARY	3,633.17	3,633.17	69,000.00	65,366.83	0.05
4708	DEFERRED COMPENSATION	194.25	194.25	3,200.00	3,005.75	0.06
4709	MEDICAL-FIREFIGHTERS	277.00	277.00	4,500.00	4,223.00	0.06
4710	UNEMPLOYMENT PAYMENT	821.19	821.19	5,500.00	4,678.81	0.15
4727	OFFICE SUPPLIES	78.19	108.19	1,000.00	891.81	0.11
4728	BUILDING SUPPLIES	69.39	87.35	700.00	612.65	0.12
4740	OPERATING SUPPLIES	0.00	0.00	0.00	0.00	0.00
4741	EQUIPMENT SUPPLIES	592.70	616.95	8,000.00	7,383.05	0.08
4801	CONTRACT SERVICES	4,260.00	4,290.00	6,900.00	2,610.00	0.62
4820	80th Anniversary	0.00	0.00	0.00	0.00	0.00
4850	COMMUNICATIONS	310.30	465.54	4,100.00	3,634.46	0.11
4910	INSURANCE	0.00	12,315.00	22,000.00	9,685.00	0.56
4920	UTILITIES	1,322.09	1,281.58	17,000.00	15,718.42	0.08
4960	EDUCATION & TRAINING	0.00	13.32	6,400.00	6,386.68	0.00
4970	OFFICE EQUIPMENT	0.00	0.00	240.00	240.00	0.00
4976	FIRE EQUIPMENT	0.00	4,850.00	16,800.00	11,950.00	0.29
4978	FIRE EQUIP.-MAINT/REPAIR	1,059.69	1,059.69	17,650.00	16,590.31	0.06
4979	FIRE EQUIPMENT-UPGRADE	0.00	0.00	0.00	0.00	0.00
4981	APPARATUS	0.00	0.00	0.00	0.00	0.00
4982	Loose Equip. New Apparatus	0.00	0.00	0.00	0.00	0.00
4983	Misc. Upgrades	0.00	0.00	0.00	0.00	0.00
4984	COMPUTER EQUIPMENT	0.00	0.00	800.00	800.00	0.00
4988	COMPUTER SOFTWARE/UPC	0.00	0.00	700.00	700.00	0.00
4999	RESERVE	0.00	0.00	0.00	0.00	0.00
	<b>Total Expenses</b>	<b>18,539.09</b>	<b>38,344.47</b>	<b>263,490.00</b>	<b>225,145.53</b>	<b>0.15</b>
	Net Income/<Loss>	(14,878.28)	72,686.57	0.00		
3400	FUND BALANCE-Beginning of	0.00	107,174.22	0.00		
	<b>Fund Balance-End of Year</b>	<b>(14,878.28)</b>	<b>179,860.79</b>	<b>0.00</b>		

AS OF: March 15, 2012  
TO: Swartz Creek Area Fire Authority  
RECORDED BY: Fire Chief Brent Cole  
SUBJECT: Current Apparatus Readiness Status

Unit	Type	Assignment	Status
11	98 Pumper	Station 1	In service.
12	91 Pumper	Station 1	In service. <b>03/13:</b> Unit taken to Tri-County to evaluate the rear brake assembly for quote presentation the Fireboard. BC King advised they are compiling information, expected by Thursday, March 15. <b>03/15:</b> BC King gathering additional quotes for brake repair for presentation at the March 19 Fireboard meeting.
16	91 Squad	Station 1	In service.
17	79 Grass Rig	Station 1	In service.
21	99 Pumper	Station 2	In service.
23	92 Tanker	Station 2	In service.
26	93 Squad	Station 2	In service.
27	79 Grass Rig	Station 2	In service.

## Chief Brent Cole

---

**From:** Steve Tabit [scafd4105@comcast.net]  
**Sent:** Friday, March 09, 2012 18:07  
**To:** FC Brent Cole  
**Subject:** old pagers

Brent

I would like to get rid of the remaining Motorola Minitor III and IV pagers.

Some were returned in damaged or not working condition since we knew we would be replacing them all with Minitor V's due to narrow banding.

Below is a break down

Minitor III        8 were in serviceable condition when returned and 5 are damaged or don't activate.

Minitor IV        10 were in serviceable condition when returned and 6 are damaged or don't activate.

There are also several that have already been removed from inventory but I kept on hand for parts.

Joe Edgerton was interested in one to use for his responsibilities with the Salvation Army Canteen at large scale incidents in our county.

Let me know how to proceed.

Thanks  
Steve

## Chief Brent Cole

---

**From:** Steve Tabit [scafd4105@comcast.net]  
**Sent:** Friday, March 09, 2012 18:01  
**To:** FC Brent Cole  
**Subject:** TOG to retire

Brent,

I need permission to retire and dispose of the following major pieces of TOG due to age and serviceability.

8 Bunker Coats

7 Bunker Pants

If this does not need FB approval, let me know and I will have BC king destroy/dispose of it.

Thanks  
Steve



**SWARTZ CREEK AREA FIRE DEPARTMENT**

8100 B CIVIC DRIVE  
 SWARTZ CREEK, MI 48473

**INVOICE**

Invoice Number: 031212  
 Invoice Date: Mar 12, 2012  
 Page: 1  
*Duplicate*

Voice: 810/635-2300  
 Fax: 810/635-7461

Bill To:
CITY OF SWARTZ CREEK 8083 CIVIC DRIVE SWARTZ CREEK, MI 48473

Ship to:
CITY OF SWARTZ CREEK 8083 CIVIC DRIVE SWARTZ CREEK, MI 48473

Customer ID	Customer PO	Payment Terms	
CITY01		Due at end of Month	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Courier		3/31/12

Quantity	Item	Description	Unit Price	Amount
132.88	FIRE02	FIRE SERVICE 02/2012	13.13	1,745.29

Subtotal	1,745.29
Sales Tax	
Total Invoice Amount	1,745.29
Payment/Credit Applied	
<b>TOTAL</b>	<b>1,745.29</b>

Check/Credit Memo No:

**SWARTZ CREEK AREA FIRE DEPARTMENT**

8100 B CIVIC DRIVE  
 SWARTZ CREEK, MI 48473

**INVOICE**

Invoice Number: 031213  
 Invoice Date: Mar 12, 2012  
 Page: 1

*Duplicate*

Voice: 810/635-2300  
 Fax: 810/635-7461

Bill To:
CLAYTON TOWNSHIP 2011 MORRISH ROAD SWARTZ CREEK, MI 48473

Ship to:
CLAYTON TOWNSHIP 2011 MORRISH ROAD SWARTZ CREEK, MI 48473

Customer ID	Customer PO	Payment Terms	
CLAY01		Due at end of Month	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Courier		3/31/12

Quantity	Item	Description	Unit Price	Amount
184.63	FIRE02	FIRE SERVICE 02/2012	13.16	2,430.20

Subtotal	2,430.20
Sales Tax	
Total Invoice Amount	2,430.20
Payment/Credit Applied	
<b>TOTAL</b>	<b>2,430.20</b>

Check/Credit Memo No:



**SWARTZ CREEK AREA FIRE DEPARTMENT  
BILLS PAID LIST**

					29-Feb-12
DATE:	CHECKS	PAYEE:	AMT	ACCT	TRANSACTION DESCRIPTION
2/6/2012	15961	CHARTER	\$64.25	4850	PHONE-STA 2
2/6/2012	15962	CLAYTON TWP	\$40.51	4920	SEWER-STA 2
2/6/2012	15963	DOUGLASS SAFETY	\$170.00	4741	34 It CALIBRATION GAS
			\$34.65	4727	SHIPPING
2/6/2012	15964	SCAFA	\$374.00	22024	ASSOCIATION DUES
2/6/2012	15965	FLUSHING LAWN & TRACTOR	\$43.94	4978	STIHL SAW REPAIR
2/6/2012	15966	FRIEND OF THE COURT	\$38.74	22026	FOC
2/6/2012	15967	GILL ROY'S	\$4.42	4741	EQUIPMENT SUPPLIES
			\$24.80	4728	BUILDING SUPPLIES
2/6/2012	15968	ICMA	\$418.02	22023	DF COMP EE PORTION
	(INTERNTL CITY/COUNTY MGT ASSOC.)		\$194.25	4727	DF COMP ER PORTION
2/6/2012	15969	MCLAREN	\$277.00	4709	PHYSICALS
2/6/2012	15970	SOUTHEAST EQUIPMENT	\$150.00	4978	AIR QUALITY-3RD QTR
2/6/2012	15971	SUBURBAN AUTO	\$4.59	4741	EQUIPMENT SUPPLIES
2/6/2012	15972	UNEMPLOYMENT INSURANCE AGENCY	\$821.19	4710	UNEMPLOYMENT PAYMENT
2/6/2012	15973	VALLEY PETROLEUM	\$53.12	4741	FUEL
2/6/2012	15974	TRUDY ONORE	\$30.00	4801	CLEANING STA 1-FEBRUARY
2/13/2012	15975	CLARK FIRE	\$554.00	4978	M/A FIRE EXTIGUISHERS
2/13/2012	15976	SOUTHEAST EQUIPMENT	\$150.00	4978	AIR QUALITY-4TH QTR
2/13/2012	15977	STATE OF MICHIGAN	\$341.88	22022	01/12 STATE TAX
2/13/2012	15978	VISA	\$29.26	4727	OFFICE SUPPLIES
			\$25.58	4728	PAPER TOWEL
			\$42.93	4741	SMALL TOOLS
2/20/2012	15979	CITY OF SWARTZ CREEK	\$645.48	4920	UTILITY COSTS-STA 1
2/20/2012	15980	COMCAST	\$181.80	4850	PHONE/INTERNET-STA 1
2/20/2012	15981	CONSUMERS ENERGY	\$636.10	4920	UTILITY COSTS-STA 2
2/20/2012	15982	ICMA	\$70.00	22023	DF COMP EE PORTION
2/27/2012	15983	BERTHIAUME & COMPANY	\$4,200.00	4801	2011 AUDIT
2/27/2012	15984	CHARTER	\$64.25	4850	PHONE-STA 2
2/27/2012	15985	DOUGLASS SAFETY	\$8.96	4978	ISI REPAIR
			\$6.13	4727	SHIPPING
2/27/2012	15986	HALT FIRE	\$77.79	4978	GAUGE
			\$8.15	4727	SHIPPING
2/27/2012	15987	LOWES	\$19.01	4728	BUILDING SUPPLIES
2/27/2012	15988	LTM AUTO	\$75.00	4978	PUMP TESTING
2/27/2012	15989	TRUDY ONORE	\$30.00	4801	CLEANING STA 1-MARCH
2/27/2012	15990	VALLEY PETROLEUM	\$317.64	4741	FUEL
			(\$341.88)	22022	01/12 STATE TAX PAYABLE
			\$1,967.69	22021	02/12 SOC SEC

**SWARTZ CREEK AREA FIRE DEPARTMENT  
BILLS PAID LIST**

			\$272.45	22022	02/12 STATE TAX PAYABLE
			\$5,319.39	1002	02/08 PAYROLL
			\$1,094.00	1002	02/22PAYROLL
		TOTAL	\$18,539.09		
VOID CHECKS:					



Thank You

BY ELLA.

Dear firefighters.  
Thank you for all your  
hard work.

You help us be safe  
and take care of people  
who need help.

Love,  
Ella  
Schell.

RECEIVED  
MAR 01 2012  
BY \_\_\_\_\_

 **GENESEE COUNTY**  
PROFESSIONALISM SINCE 1897  
**BAR ASSOCIATION**

Executive Director  
Tatilia Y. Burroughs

February 29, 2012

Hon. Richard Abrams, Mayor  
City of Swartz Creek  
8083 Civic Drive,  
Swartz Creek, MI 48473

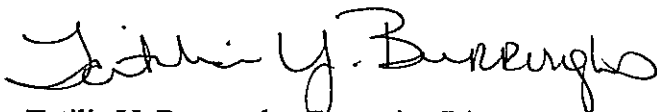
Dear Elected Official,

Each year on May 1<sup>st</sup> Bar Associations all across the country celebrate Law Day. This day is set aside to educate the community about the rule of law and its role in preserving our freedoms. Along with the courts, schools and other community groups we are asking for your participation by adopting a proclamation in support of Law Day. We are asking you to help raise the visibility of Law Day and all that it celebrates. This year, the Law Day theme is *"No Courts, No Justice, No Freedom."* For your convenience, enclosed is a proclamation for your use. Please feel free to develop your own proclamation if you wish.

If you adopt a proclamation, please inform the Genesee County Bar Association so that proper recognition can be made during our Law Day luncheon. The deadline to receive proclamations is April 13, 2012.

If you have any questions regarding this please contact me at the Genesee County Bar Association at (810) 232-6012. Thank you.

Sincerely,



Tatilia Y. Burroughs, Executive Director  
Genesee County Bar Association

Enclosure

# 2012 Law Day Proclamation

## "No Courts, No Justice, No Freedom"

*Whereas, the American justice system is charged with upholding and protecting the rights, as well as the freedom and justice of all Americans; and*

*Whereas, in 1961 Congress issued a joint resolution declaring May 1 Law Day; which is a national day to recognize and celebrate our justice system and the rule of law,*

*Whereas the Law Day 2012 theme, "No Courts, No Justice, No Freedom," provides an opportunity to highlight the crucial role of our courts and to foster a better understanding of the judiciary,*

*I urge all community residents, school administrators, teachers and students, business and civic leaders, legal professionals and law students to support this national day by participating in Law Day activities.*

*NOW, THEREFORE, I, \_\_\_\_\_, Mayor/Governor of \_\_\_\_\_, do hereby proclaim May 1, 2012, as Law Day. I call upon the people of the city/state of \_\_\_\_\_ to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States and our city/state in support of this educational observance. I further encourage schools, businesses, media, religious institutions, civic, and service organizations to join members of the bar and bench in commemorating Law Day.*

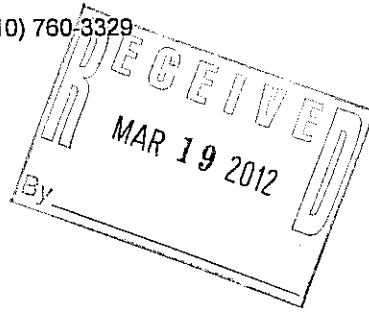
*IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, in the year two thousand twelve.*

\_\_\_\_\_  
(Signature)

**Flint Customer Service Center**

3201 East Court St, Flint, MI 48501 • (810) 235-1511 • Facsimile (810) 760-3329

March 17, 2012



City of Swartz Creek  
Mr Tom Svrcek  
8083 Civic Dr  
Swartz Creek, MI 48473

Request Nbr: 17499276

Enclosed for approval and completion are two copies of the Resolution and Authorization for Change covering the replacement and installation of streetlights. There will be no charges in conjunction with this work.

Please sign and return one completed copy of the Resolution and Authorization for Change to my attention.

A handwritten signature in cursive script that reads "Diana Currier".

Diana Currier  
Sr Administrative Assistant  
810-760-3348  
Flint Customer Service Center

**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (COMPANY-OWNED)**

Consumers Energy Company is authorized as of \_\_\_\_\_, by the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Swartz Creek \_\_\_\_\_, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Swartz Creek \_\_\_\_\_, dated \_\_\_\_\_ January 1, 1973 \_\_\_\_\_.

- \_\_\_ General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.
- \_\_\_ General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit B.

Notification Number 1014873354

Construction Work Order Number 17499276

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated January 1, 1973, shall remain in full force and effect.

\_\_\_\_\_  
City of Swartz Creek

By: \_\_\_\_\_  
Its Mayor

\_\_\_\_\_  
Clerk

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.



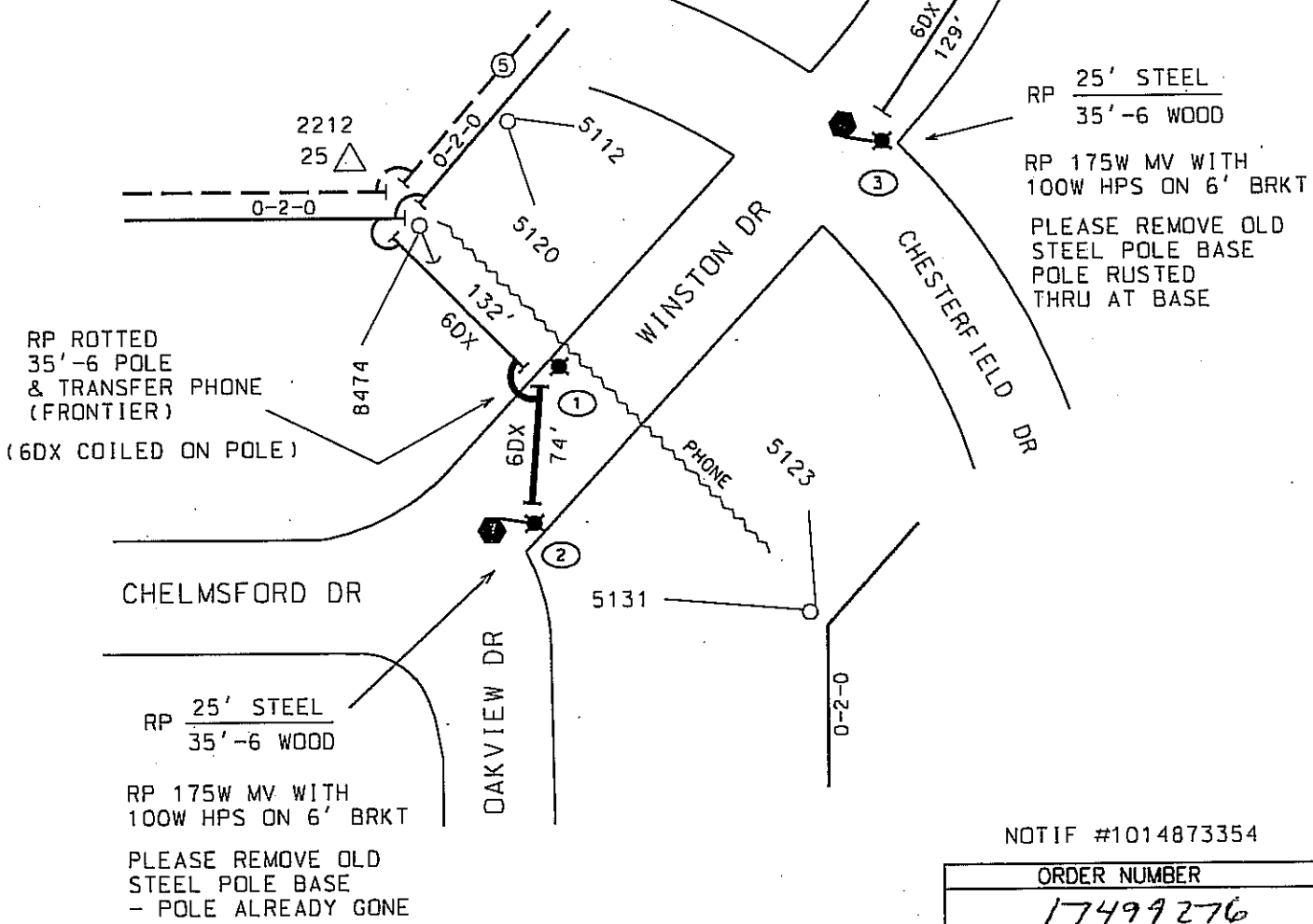






GENESEE CO  
 GAINES TWP  
 T06 R55 SEC.02

SEYMOUR  
 MILLER RD



NOTIF #1014873354

ORDER NUMBER  
 17499276

<p>A CMS Energy Company</p>	DESIGNED BY DDMCDANI	DATE 02/14/12	5131 OAKVIEW DR - RP ST LIGHT POLES			
	APPROVED BY	DATE	For: CITY OF SWARTZ CREEK 5131 OAKVIEW DR			
SHEET OF		SCALE				
<p>-CONSTRUCTION CERTIFICATION-</p> <p>Work was constructed as Engineered or Changed as Indicated.          All Salvageable Material Was Returned to Stores.</p> <p>Signed _____ in Direct Charge of Work</p> <p>Dates: Started _____ Completed _____</p> <p>MISS DIG NUMBER: _____ DATE: _____</p>	TLM NUMBER 0655022212	# OF RODS	OHMS	CONSTRUCTION MEASURE NUMBER 100001780885		
	SUBSTATION MILL CREEK	WD NO.		ORDER TYPE ESIC	DESIGN NUMBER 10278087	
	CIRCUIT	CKT NO. 01	LCP NO.	MAINTENANCE ACTIVITY TYPE OHL	STAKED <input type="checkbox"/> YES <input type="checkbox"/> NO	
				TREES <input type="checkbox"/> YES <input type="checkbox"/> NO		
ELECTRIC CAD TITLE BLOCK (8-1/2x11) 10-30-2008 SHEET A		DESIGN FILE NAME: 10278087.001		T R S 06 55 02		

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## GENERAL SERVICE UNMETERED LIGHTING RATE GUL

### Availability:

Subject to any restrictions, this rate is available to any political subdivision or agency of the State of Michigan having jurisdiction over public streets or roadways for (i) unmetered lighting service where the Company has existing distribution lines available for supplying energy for such service or (ii) for any Company-owned system consisting of one or more luminaires. This rate is also available to existing farm or Non-Residential customers previously served under General Service Outdoor Lighting Rate L-4, but closed to new business.

New installations under this rate require approval by the Company of the proposed design and type of any customer equipment. In the event that the Company does not approve the design, the Company may require the customer to be served under a general service metered rate provision.

This rate is not available for resale purposes or for Retail Open Access Service. Only streetlighting types referenced within this rate schedule may receive unmetered service. Other types of streetlighting are excluded from service under this Rate Schedule.

*Changes in the federal or state law have limited or eliminated the manufacture or importing of supplies needed to maintain some types of existing lighting offered under this Rate Schedule.* To the extent that the Company has the necessary materials, the Company will continue to maintain existing mercury vapor lamp installations in accordance with this Electric Rate Schedule.

### Nature of Service:

#### Customer-Owned

In systems where the Company has existing distribution lines available for supplying energy for unmetered lighting service, control equipment shall be furnished and owned by the Company. The customer shall furnish, install and own the rest of the equipment comprising the unmetered lighting system including, but not limited to, the overhead wires or underground cables between the luminaires and the supply circuits extending to the point of attachment with the Company's lines. All of the customer's equipment shall be subject to the Company's approval. The Company shall connect the customer's equipment to the Company's lines, supply the energy, control the burning hours of the lamps, provide normal replacement of luminaire glassware and lamps, and paint metal parts as needed; all other maintenance and replacement of the customer's equipment shall be paid for by the customer.

#### Company-Owned

In Company-owned systems consisting of one or more luminaries, the Company shall furnish, install and own all equipment comprising the unmetered lighting system. The Company shall supply the energy, and renew and maintain the entire equipment. In areas where the Company has installed an underground electric distribution system pursuant to the Company's residential underground electric distribution policy as set forth in its Electric Rate Book, the unmetered lighting system shall be served from said underground electric distribution system. In all other areas, the unmetered lighting system shall normally be served from overhead lines or from underground cables installed at customer's request pursuant to special unmetered lighting provisions contained in Monthly Rate clause and Facilities Policy.

#### Outdoor Lighting

For existing outdoor lighting, luminaires and control equipment shall be furnished, owned, installed and maintained by the Company. Luminaires shall be installed on Company-owned or Company-leased poles and must be accessible to the Company's construction and maintenance equipment.

### Facilities Policy:

#### Customer-Owned

At the customer's request, the Company shall install, at its own cost, its distribution facilities under this rate to the extent that the cost of such installation does not exceed the allowance granted under the Company's general service line extension policy. Costs of facilities in excess of the free allowance shall require an advance, nonrefundable, contribution in the amount by which the estimated costs exceed the free allowance.

(Continued on Sheet No. D-50.10)

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Issued November 18, 2010 by  
J. G. Russell,  
President and Chief Executive Officer,  
Jackson, Michigan

---

Effective for service rendered on  
and after November 5, 2010

Issued under authority of the  
Michigan Public Service Commission  
dated November 4, 2010  
in Case No. U-16191

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**GENERAL SERVICE UNMETERED LIGHTING RATE GUL**  
(Continued From Sheet No. D-50.00)

**Facilities Policy: (Contd)**

**Company-Owned**

At the customer's request, the Company shall install new luminaires and associated facilities under this rate, or replace existing luminaires and associated facilities served under this rate with other luminaires and associated facilities for which it has rates available in accordance with the following guidelines:

- A. The installation of all new, standard unmetered lights shall require a customer contribution of \$100 per luminaire. This policy includes the extension of up to 350 feet of distribution facilities to serve any individual light. Any extension beyond 350 feet shall require a contribution based on the Company's general service line extension policy.
- B. At the customer's request, the Company shall convert its existing incandescent/fluorescent luminaires to the nearest standard size high-pressure sodium or metal halide luminaire at no cost to the customer. If requirements for installations make it necessary for the Company to convert luminaires or if the customer requests a conversion of luminaires *that the Company can no longer maintain due to federal or state requirements*, the Company shall cover the cost of the bulb and the customer shall be responsible for all other expenses as a contribution. For conversions completed with normal Company maintenance such as replacement of bulbs on a routine schedule or due to failure, then the average cost of that work type shall be deducted from the total work order cost to determine the required customer contribution. If other light upgrading is also involved, the Company expenditure shall be calculated in accordance with the Company's general service line extension policy. Any costs in excess of this amount shall be borne by the customer.

Additional annual revenue is the greater of (1) the difference between the annual revenue from the nearest size high-pressure sodium luminaire and the annual delivery revenue from the upgraded light which would be installed or (2) the difference between the annual delivery revenue from the existing light and the annual delivery revenue from the light which would be installed.

- C. Where upgrading of metal halide, or high-pressure sodium unmetered lights are requested, the customer shall pay the estimated cost of conversion. Where the upgrading results in additional revenues to the Company, the customer shall receive a credit calculated in accordance with the Company's general service line extension policy to be applied against the estimated cost of conversion. If the cost of conversion is overestimated, the Company shall, upon completion of construction, refund that portion of the contribution resulting from the overestimate.
- D. Where Company-approved nonstandard poles are requested, the customer contribution shall be the difference in installed cost between standard wood poles and the requested pole. Where Company-approved nonstandard fixtures are requested, a customer contribution shall be required to cover costs in excess of the equivalent Company standard fixture.
- E. For unmetered lighting systems installed underground (exclusive of subdivisions where the developer's contribution provided for underground unmetered lighting), the customer shall be required to contribute the estimated difference in cost between the equivalent standard overhead construction and required underground construction. No contribution shall be required for that footage of unmetered lighting cable which can be satisfactorily installed in underground conduit furnished by the customer for the Company's use and in accordance with the Company's specification.
- F. For system-wide conversions from one light source to another, the customer may be limited to an annual quota as determined by the Company.
- G. If underground unmetered lighting cable is requested, except that requested in conjunction with the Company's residential underground electric distribution policy, the customer shall contribute to the Company the difference between the Company's estimated installed costs of the underground unmetered lighting cable and the Company's estimated installed costs of standard overhead unmetered lighting conductors.

(Continued on Sheet No. D-51.00)

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Issued November 18, 2010 by  
J. G. Russell,  
President and Chief Executive Officer,  
Jackson, Michigan

---

Effective for service rendered on  
and after November 5, 2010

Issued under authority of the  
Michigan Public Service Commission  
dated November 4, 2010  
in Case No. U-16191

**GENERAL SERVICE UNMETERED LIGHTING RATE GUL**  
 (Continued From Sheet No. D-50.10)

Monthly Rate:

The charge per luminaire per month shall be:

Type of Luminaire	Nominal Rating of Lamps (One Lamp per Luminaire) (1)			Service Charge per Luminaire (4)	Fixture Charge per Luminaire (4)
	Watts	Watts Including Ballast (2)	Lumens		
Mercury Vapor (3)	100	128	3,500	\$ 6.65	\$6.02
Mercury Vapor (3)	175	209	7,500	10.86	6.02
Mercury Vapor (3)	250	281	10,000	14.60	6.02
Mercury Vapor (3)	400	458	20,000	20.15	6.02
Mercury Vapor (3)	700	770	35,000	30.65	6.02
Mercury Vapor (3)	1,000	1,080	50,000	42.07	6.02
High-Pressure Sodium (3)	70	83	5,000	4.31	6.02
High-Pressure Sodium	100	117	8,500	6.08	6.02
High-Pressure Sodium	150	171	14,000	8.88	6.02
High-Pressure Sodium (3)	200	247	20,000	12.83	6.02
High-Pressure Sodium	250	318	24,000	16.00	6.02
High-Pressure Sodium	400	480	45,000	23.37	6.02
Fluorescent (3)	380	470	20,000	15.58	6.02
Incandescent (3)	202	202	2,500	8.15	6.02
Incandescent (3)	305	305	4,000	9.61	6.02
Incandescent (3)	405	405	6,000	11.95	6.02
Incandescent (3)	690	690	10,000	16.62	6.02
Metal Halide	150	170	9,750	10.91	6.02
Metal Halide (3)	175	210	10,500	10.91	6.02
Metal Halide	250	290	15,500	15.06	6.02
Metal Halide	400	460	24,000	23.89	6.02

- (1) Ratings for fluorescent lighting apply to all lamps in one luminaire.
- (2) Watts including ballast used for monthly billing of the Power Supply Cost Recovery Factor, Securitization Charges and surcharges.
- (3) Rates apply to existing luminaires only and are not open to new business.
- (4) For customers who own their lighting fixtures and are assessed a Service Charge (but not a Fixture Charge), the charge per luminaire represents a 46.3% Power Supply Charge and a 53.7% Distribution Charge. For customers who do not own their lighting fixtures and are assessed both a Service Charge and a Fixture Charge, the charge per luminaire represents a 30.1% Power Supply Charge and a 69.9% Distribution Charge.

For energy conservation purposes, customers may, at their option, elect to have any or all luminaires served under this rate disconnected for a period of six months or more. The charge per luminaire per month, for each disconnected luminaire, shall be 40% of the monthly rate set forth above. However, should any such disconnected luminaire be reconnected at the customer's request after having been disconnected for less than six months, the monthly rate set forth above shall apply to the period of disconnection. An \$8.00 per luminaire disconnect/reconnect charge shall be made at the time of disconnection except that when the estimated disconnect/reconnect cost is significantly higher than \$8.00, the estimated cost per luminaire shall be charged.

For 24-hour mercury-vapor service, the charge per luminaire shall be 125% of the foregoing rates.

(Continued on Sheet No. D-52.00)

Issued November 18, 2010 by  
 J. G. Russell,  
 President and Chief Executive Officer,  
 Jackson, Michigan

Effective for service rendered on  
 and after November 5, 2010

Issued under authority of the  
 Michigan Public Service Commission  
 dated November 4, 2010  
 in Case No. U-16191

---

**GENERAL SERVICE UNMETERED LIGHTING RATE GUL**  
(Continued From Sheet No. D-51.00)

**Monthly Rate: (Contd)**

***Green Generation Program:***

Customer contracts for participation in the *Green Generation Program* shall be available to any eligible customer as described in Rule C10.2, *Green Generation Program*.

*A customer who participates in the Green Generation Program is subject to the provisions contained in Rule C10.2, Green Generation Program.*

**General Terms, Surcharges, Power Supply Cost Recovery (PSCR) Factor and Securitization Charges:**

This rate is subject to all general terms and conditions shown on Sheet No. D-1.00, Surcharges shown on Nos. D-2.00 through D-3.00, PSCR Factor shown on Sheet No. D-4.00 and the Securitization Charges shown on Sheet No. D-5.00.

**Due Date and Late Payment Charge:**

The due date of the customer bill shall be 21 days from the date of mailing. A late payment charge of 2% of the unpaid balance, net of taxes, shall be assessed to any bill which is not paid on or before the due date shown thereon.

**Special Terms and Conditions:**

The Company reserves the right to make special contractual arrangements as to term or duration of contract, termination charges, contribution in aid of construction, annual charges or other special considerations when the customer requests service, equipment or facilities not normally provided under this rate.

---

Issued November 18, 2010 by  
J. G. Russell,  
President and Chief Executive Officer,  
Jackson, Michigan

Effective for service rendered on  
and after November 5, 2010

Issued under authority of the  
Michigan Public Service Commission  
dated November 4, 2010  
in Case No. U-16191



March 19, 2012

Mr. Tom Svrcek, Director of Public Services  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Proposal for Water Reliability Study Update

Dear Mr. Svrcek:

ROWE Professional Services Company is pleased to provide you with this proposal for updating the city's water reliability study in accordance with the requirements of the MDEQ.

Our previous experience and history of the City of Swartz Creek water system will allow us to complete the update in an economical manner. The following items will be incorporated into the study:

- Update the hydraulic water model with both present and future projected demands, including pressure, storage and fire flow analysis.
- Measure hydrant flows throughout the system to calibrate the water model.
- Obtain and compile the city water records and volumes from the past five years.
- Revise the growth rate projections and review the estimated excess capacity needs for the future.
- Make recommendations with cost estimates for future improvements to the city's water system.

Our fee for the above referenced scope is **\$9,968**. After you have reviewed this proposal, please feel free to contact me with any suggestions or questions you may have. We anticipate the study will take 6 to 8 weeks to complete.

Again, we would like to thank you for the opportunity to submit this proposal; should you have any questions please feel free to contact me.

Sincerely,  
ROWE Professional Services Company

A handwritten signature in black ink, appearing to read 'LF' or similar initials.

Louis P. Fleury, P.E.  
Project Manager

R:\sdsk\Proj\PROPOSAL\CU\swartz creek\Water Study Proposal rev.docx

03/23/2012

GL ACTIVITY REPORT FOR CITY OF SWARTZ CREEK  
 FROM 101-410.005-627.000 TO 101-410.005-801.000  
 TRANSACTIONS FROM 07/01/2001 TO 03/22/2012

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 101 General Fund							
<b>Revenues</b>							
Program Revenue							
07/01/2001			101-410.005-627.000 Charges for Services	BEG. BALANCE			0.00
07/01/2002			2002-03 Fiscal Year Begin				0.00
07/01/2003			2003-04 Fiscal Year Begin				0.00
07/01/2004			2004-05 Fiscal Year Begin				0.00
07/01/2005			2005-06 Fiscal Year Begin				0.00
07/01/2006			2006-07 Fiscal Year Begin				0.00
07/01/2007			2007-08 Fiscal Year Begin				0.00
07/01/2007	GJ	JE	INV 3003141 DATED 12/10/03 MR CONV	00065376		107.03	(107.03)
07/01/2007	GJ	JE	INV 1002454 DATED 12/7/06 MR CONV	00065377		193.90	(300.93)
07/01/2007	GJ	JE	INV 3003188 DATED 4/14/03 MR CONV	00065378		200.33	(501.26)
07/01/2007	GJ	JE	INV 1002455 DATED 9/21/01 MR CONV	00065379		202.50	(703.76)
07/01/2007	GJ	JE	INV 3003181 DATED 3/21/03 MR CONV	00065380		240.00	(943.76)
07/01/2007	GJ	JE	INV 3003182 DATED 3/21/03 MR CONV	00065381		401.43	(1,345.19)
07/01/2007	GJ	JE	INV 3003382 DAYED 10/31/03 MR CONV	00065382		403.75	(1,748.94)
07/01/2007	GJ	JE	INV 3003189 DATED 4/14/03 MR CONV	00065383		691.01	(2,439.95)
07/01/2007	GJ	JE	INV 3003363 DAYED 9/23/03 MR CONV	00065384		702.96	(3,142.91)
07/01/2007	GJ	JE	INV 3003144 DATED 2/10/03 MR CONV	00065385		869.64	(4,012.55)
07/01/2007	GJ	JE	INV 3003209 DATED 4/30/03 MR CONV	00065386		879.03	(4,891.58)
07/01/2007	GJ	JE	INV 3003193 DATED 6/26/03 MR CONV	00065387		889.82	(5,781.40)
07/01/2007	GJ	JE	INV 3003160 DATED 2/19/03 MR CONV	00065388		1,171.25	(6,952.65)
07/01/2007	GJ	JE	INV 3003207 DATED 4/25/03 MR CONV	00065389		2,399.85	(9,352.50)
07/01/2008			2008-09 Fiscal Year Begin				0.00
07/01/2009			2009-10 Fiscal Year Begin				0.00
07/01/2010			2010-11 Fiscal Year Begin				0.00
07/01/2011			2011-12 Fiscal Year Begin				0.00
03/22/2012			101-410.005-627.000	END BALANCE			0.00
			Cumulative Net Debits and Credits:		0.00	9,352.50	(9,352.50)
			PROG: Program Revenue			9,352.50	0.00
			TOTAL Revenues			9,352.50	0.00



**Expenditures**

Other Services And Charges

07/01/2001			101-410.005-801.000 Contractual Services	BEG. BALANCE			0.00
07/01/2002			2002-03 Fiscal Year Begin				0.00
01/13/2003	AP	INV	MARATHON GAS STATIONS	000003296	211.95		211.95
01/13/2003	AP	INV	TRAFFIC	000003297	161.16		373.11
01/13/2003	AP	INV	CONSULTATION SERVICES	000003299	505.00		878.11
01/13/2003	AP	INV	CONSULTANT SERVICES	000003302	315.00		1,193.11
01/13/2003	AP	INV	CONSULTING SERVICES	000003304	800.50		1,993.61
01/22/2003	AP	INV	PLAN ADMIN,MISC PRO. DEV REVIE	000003347	849.64		2,843.25
01/22/2003	AP	INV	MARATHON PROJ#54570101	000003353	107.03		2,950.28
02/14/2003	AP	INV	PROJECT,MIS.	000003557	1,171.25		4,121.53
03/03/2003	AP	INV	MARATHON PALN REVIEW	000003606	240.00		4,361.53
03/03/2003	AP	INV	SPRINGBRK,HERITAGE,MARATHON	000003604	401.43		4,762.96
03/21/2003	AP	INV	MARATHON/FAST FOOD STORE	000003783	200.33		4,963.29
03/21/2003	AP	INV	CONSUSLTATION SERVICES	000003774	691.01		5,654.30
04/15/2003	AP	INV	PLANNING ADMIN & DEV.	000003890	889.32		6,543.62
04/23/2003	AP	INV	MARATHON SITE PLAN REVEIW	000003927	879.03		7,422.65
07/01/2003	GJ	GJ	corr fnd/acct on Progressive Inv 117626	00026975	406.24		7,828.89
10/09/2003	AP	INV	CONSULTATION SERVICES	000005004	702.96		8,531.85
10/27/2003	AP	INV	METH CH,MARATHON,FINANCIAL PLU	000005099	403.75		8,935.60
07/01/2004			2004-05 Fiscal Year Begin				8,935.60
07/01/2005			2005-06 Fiscal Year Begin				8,935.60
07/01/2006			2006-07 Fiscal Year Begin				8,935.60
07/01/2007			2007-08 Fiscal Year Begin				8,935.60
07/01/2008			2008-09 Fiscal Year Begin				8,935.60
07/01/2009			2009-10 Fiscal Year Begin				8,935.60
07/01/2010			2010-11 Fiscal Year Begin				8,935.60
07/01/2011			2011-12 Fiscal Year Begin				8,935.60
03/15/2012	AP	INV	TRAFFIC REVIEW/MARATHON	00143784	1,260.80		10,196.40
03/22/2012			101-410.005-801.000	END BALANCE			10,196.40
			Cumulative Net Debits and Credits:		10,196.40	0.00	10,196.40
			OTHR: Other Services And Charges		10,196.40		1,260.80
			TOTAL Expenditures		10,196.40		1,260.80
			TOTAL FOR FUND 101 General Fund		10,196.40	9,352.50	1,260.80



*Paul Bueche*

*City Manager*

[pbueche@cityofswartzcreek.org](mailto:pbueche@cityofswartzcreek.org)

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**19-March-2012**

**Honorable Chairperson, Board Members**

Swartz Creek Tax Board of Appeals

Re: **Parcel #58-36-578-018**  
**Outlot "B" Wray Acres**  
**Owner: City of Swartz Creek**

On behalf of the City, I kindly request review of the aforementioned parcel for consideration of reduction in the assessed and taxable values. The original intended use of the parcel is speculated to be access to parcels to the north. In addition, the lot serves as a right of way medium for water, storm and sanitary sewer to the adjoining parcels. The previous owner was Woodside Builders who held it for the stated reasons in conjunction with the development of the Springbrook East Condominium Association. Economic recession resulted in the termination of the Springbrook East Project and bank subsequently forced liquidation of Woodside holdings, inclusive of this lot. The City has acquired it by quit-claim instrument from Woodside after bank release of the lien. The public purpose is existing and future underground public utilities for parcels to the north. Lot dimensions are 60' frontage on Miller by 300' depth rendering it nearly, if not impossible, to build on.

Included are reference documents consisting of: petition, petition decision, plat map, aerial photograph, parcel dimension maps (Arc View) and conceptual site plan for Springbrook East Condominiums'. Your time and attention to this matter is greatly appreciated.

Sincerely,

**Paul Bueche**

*City Manager*

*City of Swartz Creek*

---

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org)

<ftp://cityofswartzcreek.org>

# Petition to Board of Review

L-4035

This form is issued under the authority of P.A. 206 of 1893, as amended. Filing is voluntary, however you may not appeal to the Michigan Tax Tribunal or the State Tax Commission unless you first protest to the Board of Review

## TO BE COMPLETED BY OWNER OR OWNER'S AGENT

Owner's Name (Please Print or Type) <b>CITY OF SWARTZ CREEK</b>	Petitioner's Name (If Other than Owner. Please Print or Type) <b>- SAME -</b>
Township or City <b>CITY OF SWARTZ CREEK</b>	County <b>GENESEE</b>

The undersigned protests the assessed value and/or the tentative taxable value and/or the property classification and/or the qualified agricultural property exemption of the following described property:

Property Identified (Parcel code required. Property address & legal description optional) :

**58-36-578-018**

**MILLER RD**

LOT B WRAY ACRES 84-0000-000

Protested Item  Assessed Value  Tentative Taxable Value  Classification  Qualified Agricultural Property Exemption

### 1. PROTEST OF ASSESSMENT

(Complete this section for a protest of assessed value and/or tentative taxable value)

Assessed Amount <b>7,000</b>	Owner's Estimated True Cash Value <b>\$ 1,000.</b>	Tentative Taxable Value <b>5,447</b>	Year <b>2012</b>
---------------------------------	---	---	---------------------

### 2. PROTEST OF CLASSIFICATION

(Complete this section for a request to change the classification. The Board of Review must make their decision regarding classification in accordance with section 211.34c of the Michigan Compiled Laws. The Board of Review shall not be influenced by the effect that a particular classification has on that property's status as a homeowner's principal residence or qualified agricultural property.)

Classification of property on this year's assessment roll: **400**

Classification should be: (Please check one of the following)

Agricultural  Industrial  Timber Cutover  Utility (Personal Property Only)

Commercial  Residential  Developmental

### 3. PROTEST OF EXEMPTION FOR QUALIFIED AGRICULTURAL PROPERTY

(If the assessor has denied or changed the percentage of the exemption from the 18 mills of local school operating tax for qualified agricultural property, the owner may appeal this action to the March Board of Review. THE BOARD OF REVIEW HAS NO AUTHORITY TO CONSIDER OR ACT UPON THE EXEMPTION FROM THE 18 SCHOOL OPERATING MILLS FOR HOMEOWNER'S PRINCIPAL RESIDENCE PROPERTIES.)


Percent Qualified Agricultural Exemption Granted by Assessor: Enter 0 if exemption is denied)	Percent Qualified Agricultural Exemption Requested by Owner: (Enter 100 if full exemption requested)
---	--

### 4. REASON FOR PROTEST

State reason(s) for protest of assessed value and/or the tentative taxable value and/or classification and/or qualified agricultural property exemption.

**- SEE ATTACHED NARRATIVE -**

### CERTIFICATION

Signature 	Date <b>03/13/2012</b>
Address <b>CITY MANAGER</b>	Phone Number <b>810-635-4464</b>

**FOR BOARD OF REVIEW USE ONLY**

INSTRUCTIONS: Incorporate a copy of this form and the assigned number in the Board of Review minutes.

Petition Number	Parcel Code <b>58-36-578-018</b>
-----------------	-------------------------------------

**1. ASSESSED VALUE**

Disposition by Board of Review. The Board of Review must state the reason for its action below.

Denied       Assessed Value Changed From: 7,000 To: \_\_\_\_\_

Record of Vote - Board or three member committee of board

Chairperson:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_

Reason for Board Action:

If you disagree with the decision of the Board of Review regarding tentative assessed value, further appeal may be made to the Michigan Tax Tribunal, P.O.Box 30232, Lansing, Mi. 48909 by May 31 for Commercial Real, Industrial Real, Developmental Real, Commercial Personal, Industrial Personal and Utility Personal Property by July 31 for Agricultural Real, Residential Real, Timber - Cut Over Real, and Agricultural Personal Property.

**2. TENTATIVE TAXABLE VALUE**

Disposition by Board of Review. The Board of Review must state the reason for its action below.

Denied       Tentative Taxable Value Changed From: 5,447 To: \_\_\_\_\_

Record of Vote - Board or three member committee of board.

Chairperson:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_

Reason for Board Action:

If you disagree with the decision of the Board of Review regarding tentative taxable value, further appeal may be made to the Michigan Tax Tribunal, P.O.Box 30232, Lansing, Mi. 48909 by May 31 for Commercial Real, Industrial Real, Developmental Real, Commercial Personal, Industrial Personal and Utility Personal Property by July 31 for Agricultural Real, Residential Real, Timber - Cut Over Real, and Agricultural Personal Property.

**3. CLASSIFICATION**

Disposition by Board of Review. The Board of Review must state the reason for its action below.

Denied       Classification Changed From: 400 To: \_\_\_\_\_

Record of Vote - Board or three member committee of board.

Chairperson:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_

Reason for Board Action:

If you disagree with the decision of the Board of Review regarding classification, appeal is made by sending Form 2167 to the State Tax Commission, P.O. Box 30471, Lansing, Mi. 48909 by June 30.

**4. QUALIFIED AGRICULTURAL PROPERTY EXEMPTION**

Disposition by Board of Review. The Board of Review must state the reason for its action below.

Exemption Request Denied       Exemption percent modified from \_\_\_\_\_ % To: \_\_\_\_\_ %

Record of Vote - Board or three member committee of board.

Chairperson:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_      Member:  YES    NO \_\_\_\_\_

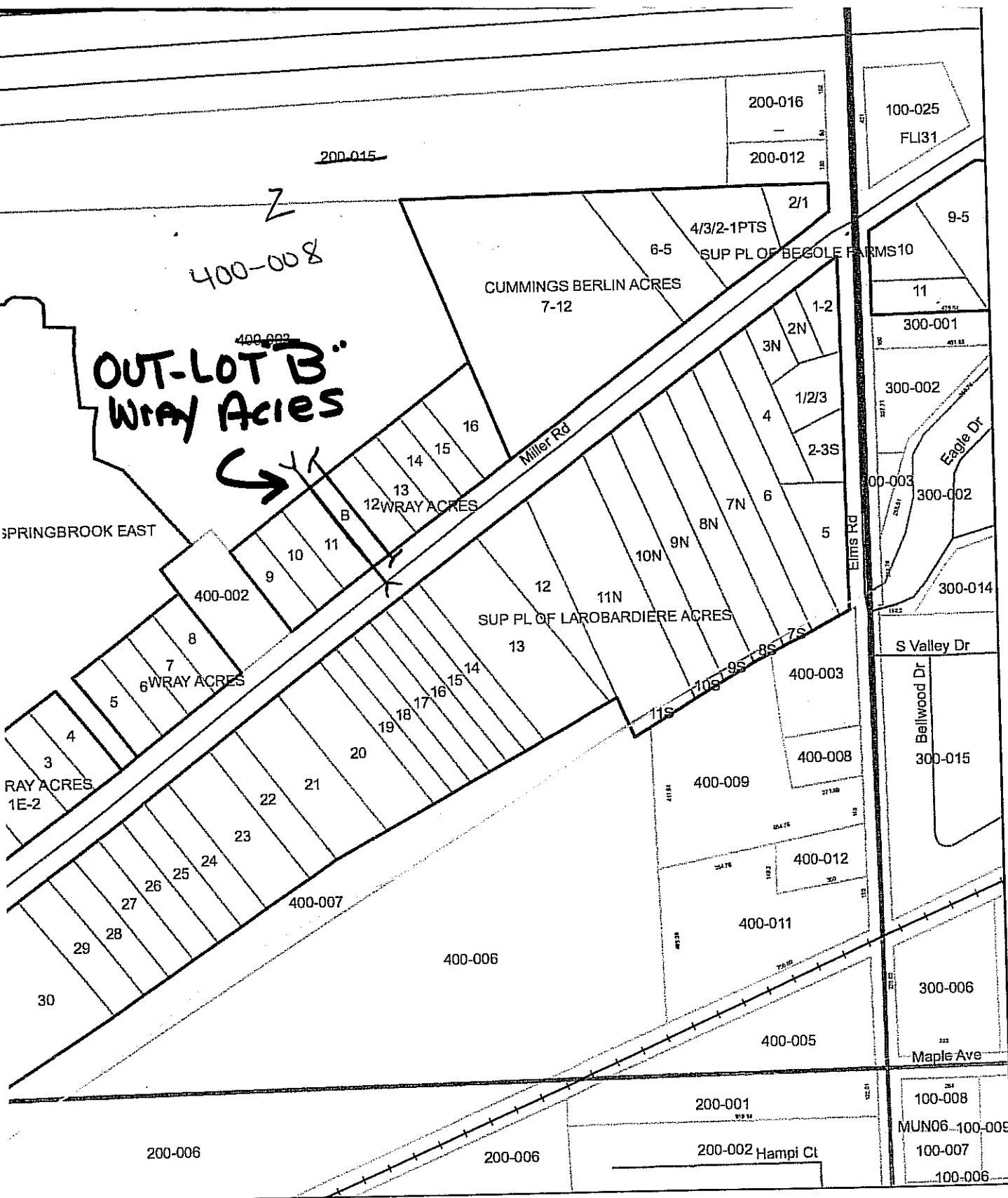
Reason for Board Action:

If you disagree with the decision of the Board of Review regarding classification, appeal is made by sending Form 2167 to the State Tax Commission, P.O. Box 30471, Lansing, Mi. 48909 by June 30.

**5. Adjournment**

Date of Final adjournment of Board of Review

Board of Review Secretary Signature	Date
-------------------------------------	------



	Subcon		Roads
	Sitecondominiums		Railroads





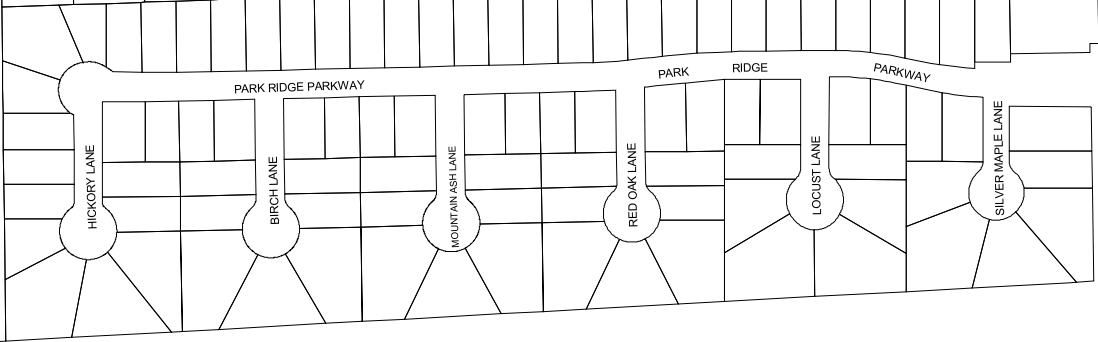
Copyright ©2009 Pictometry International Corp.



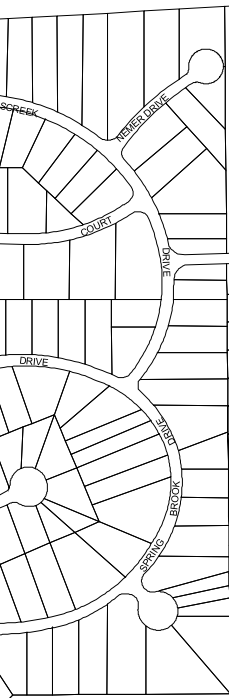
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I-69

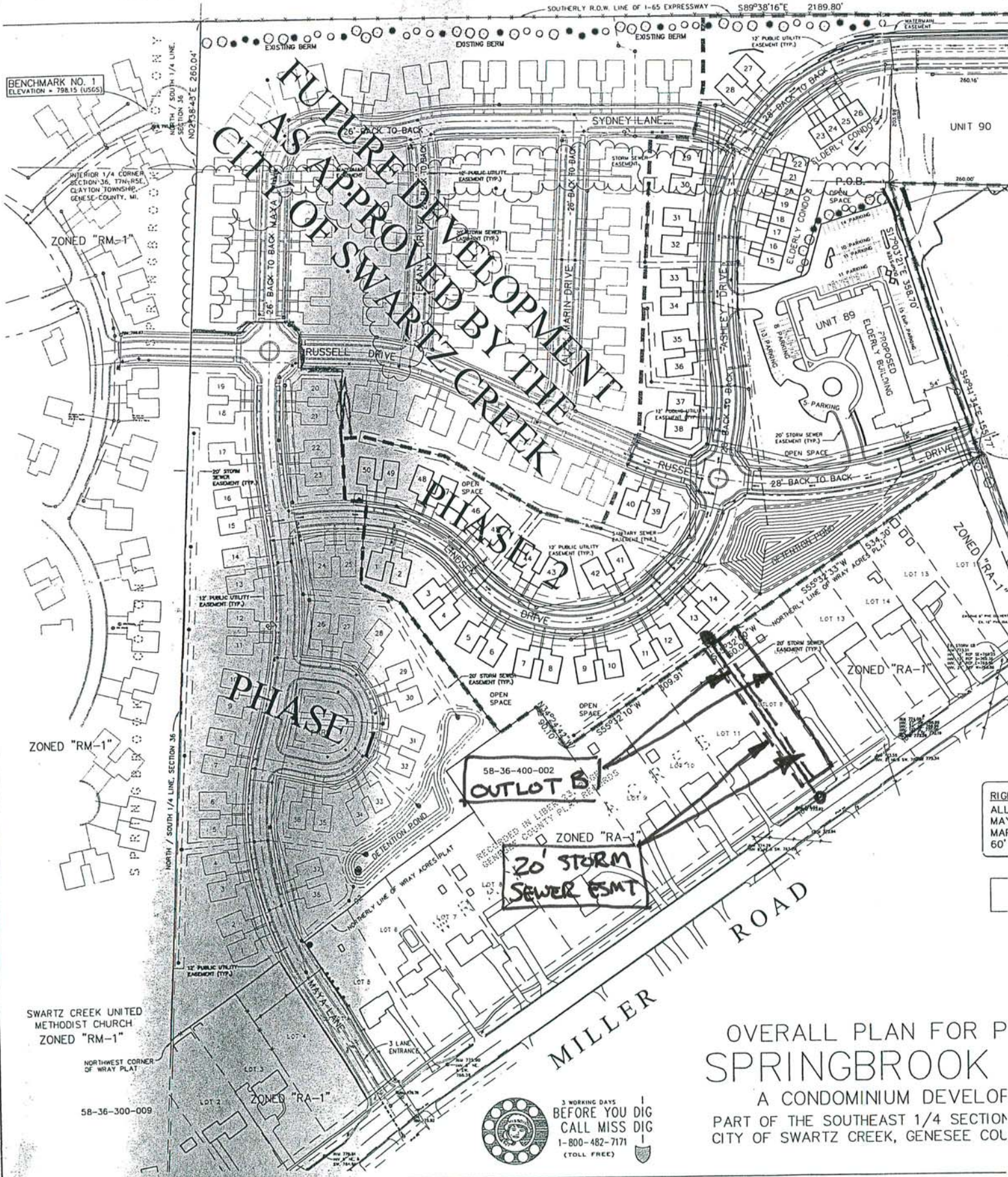




SITE INFORMATION

ZONED: "P01"  
TYPICAL FRONT SETBACK FROM R.O.W. LINE = 19'  
TYPICAL SEPARATION BETWEEN UNITS = 25'  
TYPICAL REAR SETBACK = 25'

I-69 EXPRESSWAY



OVERALL PLAN FOR P  
SPRINGBROOK

A CONDOMINIUM DEVELOP  
PART OF THE SOUTHEAST 1/4 SECTION  
CITY OF SWARTZ CREEK, GENESEE COL



# 2012 BOARD OF REVIEW DECISION

FROM  CITY OF SWARTZ CREEK  8083 CIVIC DRIVE SWARTZ CREEK MI 48473-1498	
NAME AND ADDRESS OF OWNER OR PERSON NAMED ON ASSESSMENT ROLL:  CITY OF SWARTZ CREEK 8083 CIVIC DRIVE SWARTZ CREEK MI 48473	PROPERTY IDENTIFICATION: (Parcel Code required. Property address and legal description optional): 58-36-578-018                      MILLER RD  LOT B WRAY ACRES 84-0000-000

**THIS PROPERTY IS CLASSIFIED**    400 (RESIDENTIAL VACANT)

Thank you for attending this years March Board of Review. The Board has reviewed the information you supplied and the data necessary to compute your assessment and taxable value.  
 The Board has completed their review of parcel number 58-36-578-018  
 They have made the following determination based on the information you supplied.

**Board of Review Comments**

ADJUSTED FOR UNBUILDABLE

2012 ORIGINAL ASSESSED VALUE	7,000
2012 "BOARD OF REVIEW" ASSESSED VALUE	1,000
(If the above amounts are the same, no revisions have occurred)	
2012 ORIGINAL TAXABLE VALUE	5,447
2012 "BOARD OF REVIEW" TAXABLE VALUE	1,000
2012 PRINCIPAL RESIDENCE EXEMPTION/QUALIFIED AG	0.0000

Please feel free to contact the assessor at the address listed above or call if you have any questions.

If you disagree with the decision of the Board of Review regarding tentative taxable value, further appeal may be made to the Michigan Tax Tribunal, P.O. Box 30232, Lansing, Mi. 48909 by May 31 for Commercial Real, Industrial Real, Developmental Real, Commercial Personal, Industrial Personal and Utility Personal Property by July 31 for Agricultural Real, Residential Real, Timber - Cut Over Real, and Agricultural Personal Property.

Michigan Tax Tribunal  
 P.O. Box 30232  
 Lansing, MI 48909

Property Classification appeals ONLY may be appealed to the State Tax Commission

State Tax Commission  
 Classification Appeals  
 P.O.Box 30471  
 Lansing MI 48909



*Paul Bueche*

City Manager

[pbueche@cityofswartzcreek.org](mailto:pbueche@cityofswartzcreek.org)

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**16-March-2012**

**Clayton Township**

C/O Mr. Kenneth R. Tucker, Attorney at Law  
2349 Stonebridge Drive Building G  
Flint, Michigan 48532

**Re: SCAFD Agreement**

**KEN,**

Attached is the captioned agreement, with changes, as noted in your March 15<sup>th</sup> correspondence. Section #14 of the draft bears language from the expired agreement with comments relayed from the March 8<sup>th</sup> Township Board Meeting. The City Council has concerns over the Capital Improvement Fund (CIF) insofar as it pertains to the agreement. In addition, the City would like to discuss financial commitments, joint policy and schedules for long-term maintenance of the CIF.

The City has appointed a committee of three Councilmembers to meet with three Township Board Members to discuss the matter. I would be much more than willing to arrange a meeting at the City or the Township Hall as the Board desires. I kindly ask that you convey the City's request to the Board and contact me at your convenience. In advance, I appreciate your time and attention and will look to hear from you.

Sincerely,

**Paul Bueche**

City Manager  
City of Swartz Creek

Copy Via Email: Mayor Richard Abrams  
Mayor Pro-Tem David Krueger  
Councilmember C. David Hurt  
Supervisor Brian Sepanek  
Clerk Dennis Milem

March 15, 2012

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

RE: SCAFD Agreement

Mr. Bueche,

Please be aware that the Charter Township of Clayton Board of Trustees held its regularly scheduled meeting on March 8, 2012. At the meeting, the proposed Swartz Creek – Clayton Township Amended and Restated Fire Department Agreement, which you had previously forwarded, was discussed at great length. The entire proposed agreement was reviewed and the Board has asked me to forward to you its requested changes. The following amendments to the agreement are requested by the Clayton Township Board:

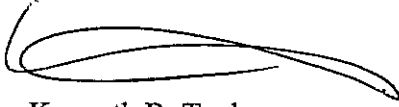
1. Pages 1 and 7, all dates referenced in red should be brought current to reflect the date of the agreement.
2. Page 3, paragraph 3(C), the language is acceptable as written that the votes of both the township and city boards must occur within sixty (60) days.
3. Page 3, paragraph 5, the added language in the title of the paragraph is acceptable which now reads "Fire Halls, Utilities, Maintenance, Repairs."
4. Page 4, paragraph 5(C)(3) and (4) are acceptable as written in red which reference the responsibilities of the Authority and individual municipalities.
5. Page 6, paragraph 13(E) the entire paragraph is acceptable as written in red.
6. Page 7, paragraph 14 the Clayton Township Board is requesting that the entire paragraph as written in red be stricken. The Clayton Township Board desires to eliminate the requirement for the Capital Improvement Fund. I would suggest paragraph 14 be replaced with the language "Each entity shall maintain and manage a separate Fire Fund."

Because of the request by the Clayton Township Board to eliminate the Capital Improvement Fund, it is necessary to address the monies currently in the fund. I believe there are two options for the fund balance. The first would be to refund one-half the balance of the fund at a specific date close to the effective date of the new agreement. The second would be to leave the money in the Capital Improvement Fund until the end of the year. Please kindly inform me of your position so I may relate it to the Clayton Township Board members.

With the above noted changes I believe the agreement can be presented to the Clayton Township Board and the Swartz Creek City Council for final approval.

If you have any questions, please call.

Sincerely,



Kenneth R. Tucker  
Clayton Township Attorney

# DRAFT

2012-January-24: Bueche  
2012-March-15: Bueche, per K. Tucker

## SWARTZ CREEK - CLAYTON TOWNSHIP AMENDED AND RESTATED FIRE DEPARTMENT AGREEMENT

---

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of Swartz Creek, a Michigan municipal corporation with principal offices at 8083 Civic Drive, Swartz Creek, Michigan 48473 (“City”) and the Charter Township of Clayton (“Township”), a Michigan public body corporate, with principal offices at 2011 South Morrish Road, Swartz Creek, Michigan 48473 (“Township”).

**WHEREAS**, the City and the Township have for many years jointly provided fire protection services to their geographical areas; and

**WHEREAS**, the joint provision of such fire protection services was covered by a written agreement; and

**WHEREAS**, the current agreement between the City and the Township expired on March 31, 2011, but both the City and the Township have continued to provide fire protection services under the terms of that agreement and pursuant to Section No. 16, while this new agreement was being developed; and

**WHEREAS**, the Michigan Urban Cooperation Act of 1967, 1967 PA 7 (Ex Sess) [ MCL 124.501 et seq] (“UCA”) authorizes two municipalities to enter into an interlocal agreement by which they agree to exercise jointly “any power, privilege, or authority that the agencies share in common and that each might exercise separately;” and.

**WHEREAS**, section 7 of the UCA [MCL 124.507] provides that such an interlocal agreement “may provide for a separate legal or administrative entity to administer or execute the agreement which may be a commission, board, or council constituted pursuant to the agreement,” and that such administrative entity “shall be a public body, corporate or politic for the purposes of this act;” and

**WHEREAS**, the City and the Township share in common the power and authority to establish and maintain a fire department and provide fire protection services; and

**WHEREAS**, as empowered to do so by the UCA, the City and the Township wish to continue to jointly provide fire protection services and operate a fire department to serve the City and the Township and to do so under the terms and conditions of this agreement;

**NOW, THEREFORE**, the parties hereto acting pursuant to the authority of resolutions duly adopted by their respective legislative bodies, **HEREBY AGREE AS FOLLOWS:**

### 1. Establishment of Authority.

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2012-January-24: Bueche  
2012-March-15: Bueche, per K. Tucker

Pursuant to the authority of section 7 of the UCA [MCL 124.507] there is hereby established an administrative entity to administer and execute this interlocal agreement, such entity to be know as the “Swartz Creek Area Fire Authority” (“Authority”). The Authority is the successor to and the continuation of that entity heretofore known as the Swartz Creek Area Fire Board.

## 2. Name.

The Authority shall provide its fire protection services and shall conduct its business under the name, “Swartz Creek Area Fire Department,” and shall file a d/b/a certificate to that effect with the Genesee County Clerk.

## 3. Governance of Authority.

- A. The Authority shall be governed by a board consisting of seven (7) members (“Board”) who shall be appointed as follows:
- 1) Three (3) members shall be appointed by the City, one of whom shall be a member of the City Council. The other City appointees shall be residents of the City and shall hold no other elective City office.
  - 2) Three (3) members shall be appointed by the Township, one of whom shall be a member of the Township Board. The other Township appointees shall be residents of the Township and shall hold no other elective Township office.
  - 3) The seventh member shall be appointed on an alternating basis between the parties with the Township making the first such appointment. Such member shall be appointed as and be designated as the “at-large” member. The at-large member shall be appointed for a term of one year commencing on April 1 of each year and at the completion of said term the appropriate appointing authority shall designate its appointee as the at-large member.
  - 4) Except as provided in subparagraph (5), below, no active Swartz Creek Area Fire Authority firefighter, volunteer or otherwise, shall be eligible for appointment to the Board.
  - 5) The Fire Chief shall be an ex-officio member of the Board, but shall have no right to vote on matters coming before the Board.
  - 6) Each of the appointees, including the at-large member, shall hold office until their replacement is appointed as provided herein.
  - 7) Vacancies shall be filled by the appropriate appointing authority consistent with the provisions contained herein related to appointees to the Board.
- B. The Authority shall have the exclusive authority to manage and operate the provision of fire protection services to the City and Township and shall have, except as otherwise

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provided or limited by the terms of this agreement, such power as may be required for the faithful performance of its duties.

- C. The Authority shall develop and maintain a command structure for the Fire Department which shall be headed by a Fire Chief who shall be appointed by the Swartz Creek Area Fire Authority and who shall serve at the pleasure of the Board. The terms and conditions of employment for the Fire Chief shall be set forth in a separate employment agreement. The appointment or termination of the Fire Chief by the Board may be overruled by a majority vote of both the township board and the city council, but such votes must occur within sixty (60) days. The Fire Chief shall be responsible for hiring, managing and firing all personnel of the Authority, none of whom shall be full time employees. The Fire Chief's authority to hire employees is limited to a fixed number of employees as determined at the time that the budget is adopted.
- D. The Authority shall provide the fire protection services provided for herein through the use of paid on-call firefighters; provided, however, that the Authority shall not have the authority to hire or otherwise retain full-time or part-time personnel without there being funds in the budget for such hiring or retention. Nothing contained herein shall prohibit the Board from contracting with a volunteer or on-call organization for services on an as needed basis.

## 4. **Bylaws.**

The Authority and the Board shall operate under bylaws adopted by the City and the Township. Said bylaws shall provide for the organization of the Board, Board officers, committees, meetings, meeting quorum, voting, and all other organizational and operational matters normally contained in bylaws. Once adopted by the City and the Township, said bylaws may only be amended by agreement of the City and the Township.

## 5. **Fire Halls, Utilities, Maintenance, Repairs.**

- A. The Township hereby provides the fire hall located at 1494 Seymour Road in the Township at the disposal of the Authority for its use during the effective period of this Agreement.
- B. The City hereby provides the fire hall located at 8100-B Civic Drive in the City at the disposal of the Authority for its use during the effective period of this Agreement:
- C. Such use shall be subject to the following:
  - 1) The City and Township shall each retain ownership of or lease rights to the fire halls so designated and the Authority shall have no power to use or authorize the use of the fire halls for any use other than the provision of fire protection services to the City and Township, unless authority for such other use or activity is obtained in writing, email acceptable, from the City (as to the City's fire hall) or the Township (as to the Township fire hall).



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- 2) The Authority shall not engage in any activity or take any action which will result in a lien, mortgage, or other encumbrance on the title of the City or the Township to their respective fire halls or the land on which they are located.
- 3) With the exception of snow/ice removal and lawn cutting services, the Authority shall be responsible for the payment of utilities, routine maintenance and routine repairs for the designated fire halls during the effective period of this Agreement. Snow/ice removal and lawn cutting services shall be the responsibility of the individual municipality.
- 4) Except for routine maintenance and repairs, no additions and/or alternations to said fire halls may be made by the Authority without the express prior written approval of the governmental unit owning said structure; provided, however, that upon termination of this Agreement such additions and/or improvements shall become the property of the governmental unit owning the structure.

## **6. Township Mini Pumper.**

The 1979 Mini Pumper, Serial No. W41CT9138438, presently owned by the Township, shall be and is hereby placed at the use of the Authority for the provision of fire services as provided for in this Agreement, subject to the following conditions:

- A. The Authority shall be responsible for and maintain public liability and property damage insurance upon said vehicle with the Township being named as a co-insured.
- B. Said vehicle shall remain titled in the name of the Township.
- C. Upon dissolution of the Authority, said vehicle shall be returned to the Township and/or the Township shall have the right to summary repossession of said vehicle. The Authority shall have no control whatsoever over said vehicle upon dissolution of the Authority.

## **7. City Mini Pumper.**

The 1979 Mini Pumper, Serial No. CKL339B160091, presently owned by the City, shall be and is hereby placed at the use of the Authority for the provision of fire services as provided for in this Agreement, subject to the following conditions:

- A. The Authority shall be responsible for and maintain public liability and property damage insurance upon said vehicle with the City being named as a co-insured.
- B. Said vehicle shall remain titled in the name of the City.
- C. Upon dissolution of the Authority, said vehicle shall be returned to the City and/or the City shall have the right to summary repossession of said vehicle. The Authority shall have no control whatsoever over said vehicle upon dissolution of the Authority.

## **8. Authority Assets.**

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- A. Except as may be provided above as to the fire halls and the mini pumpers, the City and Township shall each have an undivided one-half (1/2) interest in and to all assets of the Authority. An inventory of said assets shall be prepared annually by the Authority and filed with the City Clerk and the Township Clerk as provided in subparagraph D, below.
- B. All of the assets of the Authority shall be housed at the fire halls designated within this agreement in such quantities, as shall within the discretion of the Authority provide maximum efficient fire protection services for the areas to be provided such service.
- C. Assets that are determined by the Board to have no value, due to age or damage, shall be destroyed. Assets that have value, but are no longer needed by the Authority, shall be sold by sealed bid, RFP, auction or online internet auction to the highest bidder. The Board shall create and implement a policy for disposal of such assets. Assets that have been sold shall be logged as such on the annual inventory for at least one year.
- D. The Authority shall file an annual inventory of such assets with the City and the Township no later than February 15<sup>th</sup> of each year.

## 9. Additional Assets.

Nothing contained herein shall prohibit the City or the Township from acquiring such additional equipment and/or providing such additional services as it sees fit to be used within its boundaries. Such additional equipment and/or services provided shall not be subject to the terms of this Agreement and ownership of same shall not be shared.

## 10. Insurance.

The Authority shall secure and keep in force and effect during the effective period of this Agreement appropriate property damage and public liability insurance insuring its activities in such amounts as it sees fit; however, in no instance shall such limits of insurance be less than One Million Dollars (\$1,000,000) Single Limit Public Liability and Property Damage Policy, with a Three Million Dollar (\$3,000,000.00) Umbrella. In addition thereto the Authority shall secure and keep in force and effect during the effective period of the Agreement appropriate workmen's Compensation Insurance coverage and any other insurance coverage's required by law.

## 11. Services to Other Governmental Units.

The Authority shall not provide fire protection services to other governmental units, by contract or otherwise, without first obtaining the approval of the City and the Township before such services are rendered. Any Automatic Mutual Aid (AMA) agreements in place, prior to this agreement, shall remain in place, until such time as either the City or the Township formally request termination of any specific AMA.

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## 12. Books and Records; Annual Audit.

- A. The Authority shall provide for the keeping of books and records regarding its operation. The keeping of such books and records shall conform to generally accepted accounting principles.
- B. The Authority shall provide for an annual audit of its revenue and expenditures. The auditing firm shall be selected through competitive bidding every 3 years and the same firm shall not be selected for more than two (2) consecutive terms.
- C. The audit shall be completed no later than ninety (90) days following the close of the Authority's fiscal year, and a copy of said audit shall be submitted to the City Clerk and the Township Clerk within seven (7) days after its review by the Fireboard.

## 13. Fiscal Year; Budget.

- A. The fiscal year of the Authority shall be from January 1 through December 31.
- B. Beginning no later than August 1 of each year, the City Manager and the Township Supervisor shall meet with the Fire Chief and develop a draft budget. Such draft shall reasonably reflect the findings and recommendations set forth in the Swartz Creek Area Fire Department Evaluation adopted in January 2008 by the City and the Township. The draft budget shall be submitted to the Authority Board no later than October 1.
- C. The Authority Board shall review the proposed budget of its anticipated expenses, including any suggested amendments, and shall forward same to the City Council and Township Board for approval no later than October 31 of each year. The City and the Township may approve the budget as presented or may approve it with amendments. The final budget shall be in such form as shall be approved by both the City and the Township.
- D. Upon approval of the final budget, the City and the Township shall each appropriate its share of the funding for said budget, and such funds shall be transmitted to the Authority for its use. Once the final budget is approved, such sums as each party are required to contribute shall be a debt of each notwithstanding any subsequent disagreement between the parties.
- E. The Authority shall expend funds pursuant to the adopted budget; provided, however, the Board shall have the authority within a single fiscal year, without the approval of the City and Township, to amend line item expenditures by an amount not to exceed ten percent (10%) of the amount provided for the subject line item in the final budget as approved by the City and the Township, so long as the total budget is not exceeded. Line item budget amendments exceeding ten percent (10%) singularly or cumulatively in a single fiscal year shall require approval of both the City and Township.

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- F. The Authority shall not exceed the budget as approved by the City and Township without express prior approval by both the City and Township who, concurrent with such approval, shall appropriate such sums as are necessary to finance such increased expense.

## 14. Capital Improvement Fund.

### PREVIOUS CONTRACT LANGUAGE *(The City Desires to Leave the Language Unchanged):*

Pursuant to the Swartz Creek Area Fire Department Evaluation, adopted in January 2008 by the City and the Township, a Capital Improvement Program Fund (CIPF) is hereby established. The budget for the CIPF shall be established annually in the same manner and at the same time as the annual operating budget. The City and the Township shall determine an amount to be contributed to the CIPF, said contribution to be appropriated each year at the same time as the annual appropriation for operation of the Authority is made at the beginning of each unit's fiscal year. CIP Funds contributed by the City and the Township shall be held and independently accounted for by the Authority and shall be invested in an interest bearing account. The Authority shall adopt an investment policy that conforms to the State of Michigan's authorized and suitable investments for local units of government (1988 Public Act 239, M.C.L. 129.91) The Authority may not use or expend any funds in the CIPF without the prior approval by a majority vote of both the township board and the city council. The City and the Township, by a mutual agreement of the majority of each governing boards, may elect to deposit any unspent operating funds left over from a previous year budget, into the CIPF.

### TOWNSHIP POSITION:

**KENNETH R. TUCKER • Attorney at Law**  
2349 Stone Bridge Drive • Building G • Flint, Mich

- 6. Page 7, paragraph 14 the Clayton Township Board is requesting that the entire paragraph as written in red be stricken. The Clayton Township Board desires to eliminate the requirement for the Capital Improvement Fund. I would suggest paragraph 14 be replaced with the language "Each entity shall maintain and manage a separate Fire Fund."

Because of the request by the Clayton Township Board to eliminate the Capital Improvement Fund, it is necessary to address the monies currently in the fund. I believe there are two options for the fund balance. The first would be to refund one-half the balance of the fund at a specific date close to the effective date of the new agreement. The second would be to leave the money in the Capital Improvement Fund until the end of the year. Please kindly inform me of your position so I may relate it to the Clayton Township Board members.

## 15. Costs of Fire Runs; Labor Costs.

Except as to the labor costs attendant with each fire run, the entire cost of providing fire protection services as agreed to herein shall be borne by the City and Township equally. As to labor costs attendant with each fire run, it is hereby agreed that such cost shall be borne solely by the party, City or Township, wherein the service is provided. Such costs shall be provided for in the budget required by paragraph 13 hereof. The City and the Township, as suggested in

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the January 2008 Fire Department Evaluation, shall work to develop a cost recovery ordinance that both municipalities can adopt and implement.

## 16. Effective Date; Term; Expiration of Term.

The effective date of this agreement is \_\_\_\_\_, 2012. The term of this Agreement shall be a period of two years from and after said date through March 31, 2014. The expiration of this agreement shall not operate to relieve the City or the Township of their financial obligations hereunder. The financial obligations of each party shall continue until all termination activities set forth in paragraph 16, below, are completed.

## 17. Termination.

Upon termination of this agreement, the Authority shall proceed as follows:

- A. At least sixty (60) days prior to the termination date, the Authority shall cause its last annual inventory to be made current.
- B. The Authority shall cause an appraisal to be made of all of the assets under its control other than the fire halls and the mini pumpers described in sections 7 and 8. Said appraisal shall be made no later than thirty (30) days prior to the date of termination and shall be submitted to the City Clerk and the Township Clerk forthwith.
- C. The Authority shall attempt to assign the assets to the parties consistent with the provisions and intent of this agreement. Upon completion of such asset assignment, the Authority shall recommend same to the City and the Township. Upon agreement of the City and the Township, the Authority shall assign the assets to the parties.
- D. Notwithstanding the termination date and/or its attempts to assign the assets, the Authority shall continue to perform its duties and obligations until the effective date of the termination of this agreement.

## 18. Negotiated Assignment.

The parties need not wait for the recommendation of the Board as to the division and assignment of assets, but may commence negotiations relative to such division and assignment at any time prior to the termination date; provided, however, that the parties by and through their respective governing bodies, shall meet no less than sixty (60) days prior to effective date of termination, if agreement or assignment of assets has not otherwise occurred, to negotiate assignment of assets and/or the providing for an orderly transition and continuing of fire protection services beyond the termination date.

## 19. Notices.

Any notice, demand, or communication required, permitted, or desired to be given under this agreement shall be deemed effectively given when personally delivered or mailed by certified mail addressed as follows:

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2012-January-24: Bueche  
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## **If to the City:**

City of Swartz Creek  
C/O City Manager  
8083 Civic Drive  
Swartz Creek, MI 48473  
Attention: City Manager

## **If to the Township:**

Clayton Township  
C/O Township Supervisor  
2011 South Morrish Road  
Swartz Creek, MI 48473  
Attention: Township Supervisor

The parties may, by notice given hereunder, designate any further or different address to which subsequent notices, demands, or communications may be given.

### **20. Severability.**

If any provision of this agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this agreement which shall remain in full force and effect and enforceable in accordance with its terms.

### **21. Entire agreement.**

This agreement supersedes all previous or contemporaneous negotiations and/or agreements and constitutes the entire agreement between the parties with respect to the joint provision of fire protection services in the City and the Township. No verbal statements or prior written materials not specifically incorporated in this agreement have been relied upon by the parties in entering into this agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the date first above written.

***(Signature Page to Follow)***

# DRAFT

2012-January-24: Bueche  
2012-March-15: Bueche, per K. Tucker

## TOWNSHIP OF CLAYTON

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_  
**Brian Sepanak, Supervisor**

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_  
**Dennis Milem, Township Clerk**

## CITY OF SWARTZ CREEK

Dated: \_\_\_\_\_, 2011

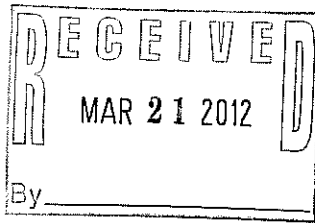
By: \_\_\_\_\_  
**Richard Abrams, Mayor**

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_  
**Juanita Aguilar, City Clerk**



March 15, 2012



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

Dear Mr. Bueche:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community, I am writing to notify you of an addition to our channel lineup. Customers are being notified of these changes via bill message.

Effective March 23, 2012, Disney Junior will be added to Digital Preferred on channel 151. A brand-new place on TV where the magic never ends, 24 hours a day, 7 days a week. Disney Junior, the channel has favorite pals like Jake, Mickey and Minnie... new characters like Doc McStuffins, exclusive shows like *Guess How Much I Love You* and returning favorites like *Rolie Polie Olie*. Plus, weekend family movie adventures with the Magical World of Disney Junior.

As always, feel free to contact me directly at 586-883-7075 with any questions you may have.

Sincerely,

Gerald W. Smith  
Government Affairs Manager  
Comcast, Heartland Region  
36250 Van Dyke Ave.  
Sterling Heights, MI 48312