

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 01/24/2022**

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

Invocation and Pledge of Allegiance.

Councilmembers Present: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: Cramer.

Staff Present: City Manager Adam Zettel.  
Staff Virtual Clerk Connie Olger & Treasurer Deanna Korth.

Others Present: Steve Long, Chief Matt Bade.

Others Virtually Attended: Lania Rocha, Bob Plumb, Dennis Cramer.

**APPROVAL OF MINUTES**

**Resolution No. 220124-01** **(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Pinkston

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday January 10, 2022, to be circulated and placed on file.

YES Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 220124-02** **(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as, presented for the Regular Council Meeting of January 24, 2022, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Pinkston, Henry, Florence.  
NO: None. Motion Declared Carried.

## **CITY MANAGER'S REPORT**

**Resolution No. 220124-03**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of January 24, 2022, including reports and communications to be circulated and placed on file.

YES: Hicks, Krueger, Pinkston, Henry, Florence, Gilbert.  
NO: None. Motion Declared Carried.

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

Steve Long 5356 Worchester Drive, commented on some residents being confused between Stat EMS & Med Star and concerns with Stat if that was the company we were considering for dedicated service. Mr. Zettel confirmed that it is Med Star not Stat is the company the city is considering. Mr. Zettel will inform the residents by newsletter when a decision is made.

### **COUNCIL BUSINESS:**

#### **RESOLUTION TO APPROVE AN EXPANDED USE RESERVATION AND PARK FEE/DEPOSIT WAIVER FOR USE OF ELMS PARK FOR A NON-PROFIT ART EVENT**

**Resolution No. 220124-04**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Florence

**WHEREAS**, the City of Swartz Creek requires park usage reservations and fees in accordance with adopted rules and regulations; and

**WHEREAS**, the Swartz Creek Kiwanis Club, in conjunction with the Swartz Creek Area Art Guild and Women's Club is proposing an expanded park use reservation for Elms Park August 26-27, 2022 for the purpose of holding a public art fair; and

**WHEREAS**, all three groups are recognized non-profits operating in Swartz Creek that meet the requirements for an expanded use reservation; and

**WHEREAS**, the city park rules and regulations states that “fees may be waived in full if reservations by a non-profit are found to result in a public benefit directly or if proceeds from the reserved event are found to be a benefit to the city.”; and

**WHEREAS**, the City Council finds the Swartz Creek Kiwanis Club, partnered with the Swartz Creek Area Art Guild and Women’s Club, to be a qualifying group with a qualifying activity.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the expanded use reservation of the Swartz Creek Kiwanis Club and waives all fees for the August 26-27, 2022 reservation in Elms Park.

YES: Krueger, Pinkston, Henry, Florence, Gilbert, Hicks.

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT FOR PARK PLAN AMENDMENT SERVICES**

**Resolution No. 220124-05**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the City of Swartz Creek owns operates and maintains a system of parks in the community, including grounds, facilities, and equipment; and

**WHEREAS**, the State of Michigan requires municipalities to have a valid five year park and recreation plan on file in order to be eligible for related state support and grants; and

**WHEREAS**, the validity of said plans is conditioned upon the meeting of certain narrative, procedural, and technical process and content; and

**WHEREAS**, the current plan that the city maintains was approved by the city council in 2018 and will expire on December 31, 2022; and

**WHEREAS**, the city desires to retain a valid plan so that grant eligibility is not compromised and so that the community may rely on current information and goals when establishing annual park related objectives; and

**WHEREAS**, Rowe Professional Services Company, the creator and amender of the city’s current park plan, has submitted a professional service quote and scope of work to amend the existing plan so that it complies with the State of Michigan Department of Natural Resources requirements.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council accepts the proposal, dated January 6, 2022, in the amount of \$15,000 for completion of the 2022 City of Swartz Creek Five Year Park and Recreation Plan.

**BE IT FURTHER RESOLVED** that the City Council hereby directs the city manager to sign the professional service proposal; to post public workshop, meeting, and hearing notices as needed; and to submit necessary documents to the DNR to secure approval of the plan.

Discussion Ensued.

YES: Pinkston, Henry, Florence, Gilbert, Hicks, Krueger.  
NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE A 5K FOOT RACE**

**Resolution No. 220124-06**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Henry

**WHEREAS**, a community member, representing the Swartz Creek Varsity Soccer Team, is planning a charity race on city sidewalks that will occur at 10:00am on April 30, 2022; and

**WHEREAS**, the race has been reviewed by the Chief of Police and the DPW Director, and it has been determined that no streets require closing, with runners having available sidewalk and park space to utilize.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby approves the 5K foot race event, contingent upon the participation of private & public land owners noted on the map, and finds that the application for a street usage permit is not necessary.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek hereby approves the usage of Holland Square and the Civic Center Parking Lot for the event in accordance with standing Plaza and Lot Usage Guidelines.

Discussion Ensued.

YES: Henry, Florence, Gilbert, Hicks, Krueger, Pinkston.  
NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE LEAK DETECTION PROFESSIONAL SERVICES**

**Resolution No. 220124-07**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a water distribution system, and

**WHEREAS**, the city has been experiencing higher than normal rates of water loss, and

**WHEREAS**, audits of billing accounts, large customer meters, and staff leak detection have not found significant sources of water loss, and

**WHEREAS**, the city is now seeking expert consultation from the Genesee County Drain Commission – Water and Waste Division, as well as other sources, to determine significant sources of loss, and

**WHEREAS**, Mr. Bincsik, in working with Aqua-Line Leak Detection Services of Findlay, Ohio on components of a private distribution system within the city, has found them to be capable and qualified to perform such services for the city.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council approves the proposal for such professional services, with total costs for the engagement not exceeding \$5,000 for hydrant survey leak detection services as outlined in the proposal dated January 12, 2022.

**BE IT FURTHER RESOLVED**, that the City Council authorizes and directs the Mayor to execute said proposal on behalf of the city and for the city Treasurer to appropriate such costs to all impacted funds as appropriate.

Discussion Ensued.

YES: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.

NO: None. Motion Declared Carried.

**A RESOLUTION TO APROVE AN AGREEMENT TO CONSTRUCT AND SHARE COSTS FOR THE GENESSEE VALLEY TRAIL EXTENSION IN SWARTZ CREEK AND FLINT TOWNSHIP**

**Resolution No. 220124-08**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Florence

**WHEREAS**, The City of Swartz Creek, through its Parks and Recreation Committee, recognizes a strong need to expand its trailway system; and

**WHEREAS**, the City, in partnership with Genesee County Metropolitan Planning Commission and Flint Township, has planned and designed an extension of the Genesee Valley Trail in Flint Township and Swartz Creek; and

**WHEREAS**, the City was awarded a Transportation Alternates Program Grant from the Michigan Department of Transportation to cover some costs of the investment; and

**WHEREAS**, the city shall construct the entire extension, with the understanding that about 85% of the project is in the City and 15% is in the Township; and

**WHEREAS**, the City and Township agree to be responsible for their respective costs and agree to share in the MDOT TAP grant in amounts that are proportionate to the grant amount divided by the total project amount, multiplied by their respective costs.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby approves the agreement with the Township of Flint to be able to construct a path, assign costs, and reimburse a pro-rated share of grant funds, as included in the city council packet of January 24, 2022, and further authorizes and directs the Mayor to execute said agreement.

Discussion Ensued.

YES Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.  
NO: None. Motion Declared Carried.

## **MEETING TIME & PLACE ORDINANCE**

## **DISCUSSION**

Council consensus is to change the address noting that the council meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Monday. Also, at the council's discretion from time to time the meeting date/time/location could change. Mr. Zettel will revise the ordinance and bring it to council.

## **RESOLUTION TO APPROVE VARIOUS AMENDMENTS TO THE INTERLOCAL AGREEMENT ESTABLISHING THE METRO POLICE AUTHORITY OF GENESEE COUNTY**

**Resolution No. 220124-09**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**WHEREAS**, on October 12, 2015, the Parties entered into the Interlocal Agreement establishing a police authority; and

**WHEREAS**, on September 1, 2016, the Parties entered into the Amendment No. 1 to the Interlocal Agreement whereby the title of the Interlocal Agreement was changed to the “Interlocal Agreement establishing the Metro Police Authority of Genesee County” and the name of the entity created was changed to “The Metro Police Authority of Genesee County”; and

**WHEREAS**, on December 1, 2018, the Parties entered into Amendment No. 2 to the Interlocal Agreement, which amended Section 3.05 setting forth how the Parties would handle prosecutions and payments from the court; and

**WHEREAS**, on January 1, 2019, the Parties entered into Amendment No. 3 to the Interlocal Agreement, which amended Section 3.04 setting forth the central operations building of the Police Authority and how the Parties would handle future buildings of the Police Authority; and

**WHEREAS**, on January 1, 2019, the Parties entered into Amendment No. 4 to the Interlocal Agreement, which further amended Section 3.05 setting forth further clarification of how the Parties would handle prosecutions and payments from the court;

**WHEREAS**, on January 1, 2019, the Parties entered into Amendment No. 5 to the Interlocal Agreement, which amended Section 4.02, clarifying the powers of the Police Authority Board; and

**WHEREAS**, on January 1, 2019, the Parties entered into Amendment No. 6 to the Interlocal Agreement, which amended Section 4.09, clarifying who appoints the Chief of Police and Deputy Chief of Police of the Police Authority; and

**WHEREAS**, on January 1, 2019, the Parties entered into Amendment No. 7 to the Interlocal Agreement, which amended Section 4.10, modifying the duties and responsibilities of the Chief of Police and created duties and responsibilities of the Deputy Chief of Police; and

**WHEREAS**, the Michigan Legislature has adopted new legislation regarding the Michigan Open Meetings act, which modifies the current case law regarding remote meetings and participation. The Police Authority Board is requesting Section 4.04 of the Interlocal Agreement be modified to conform to the newly adopted legislation; and

**WHEREAS**, representatives of the Police Authority Board feel that the Finance Committee established by Section 4.05 of the Interlocal Agreement is no longer necessary as invoices and accounts payable are emailed to the entire Police Authority Board for review prior to each Police Authority Board meeting; and

**WHEREAS**, in an effort to assist the Chief of Police in preparation of the budget, the Police Authority Board is requesting the Township Board and City Council to

amend the Interlocal Agreement to include a budget committee and a negotiations committee; and

**WHEREAS**, the Police Authority Board is requesting additional language be added to the Interlocal Agreement clarifying that the position of Deputy Chief of Police is subordinate to the Chief of Police; and

**WHEREAS**, the Police Authority Board is requesting additional language be added to the Interlocal Agreement clarifying that any promotion to the position of Lieutenant shall be affirmed by the Police Authority Board; and

**WHEREAS**, as the Police Authority Board continues to progress and evaluate how it conducts business of the Police Authority, the Police Authority Board representatives are recommending the following amendments for consideration by the Township Board and the City Council to assist the Police Authority Board in conducting business of the Police Authority in the future;

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby agrees to enter into Amendment #8 of the Interlocal Agreement as included in the City Council Packet of January 24, 2022.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council authorizes and directs the Mayor to execute said amendments and Agreement on behalf of the city.

YES: Hicks, Krueger, Pinkston, Henry, Florence.

NO: Gilbert. Motion Declared Carried.

## **RESOLUTION TO AMEND THE 2021-2022 COUNCIL MEETING SCHEDULE**

**Resolution No. 220124-10**

**(Carried)**

Motion by Councilmember Pinkston

Second by Councilmember Henry

**WHEREAS**, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

**WHEREAS**, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek, and



**WHEREAS**, the city council adopted a schedule for the 2022 fiscal year on June 14, 2021 but now finds it desirous to alter the start time of the February 14, 2022 meeting.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to the Act, public notice is hereby given that regular meeting of February 14, 2022 shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, 6:00 P.M.

**BE IT FURTHER RESOLVED** that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meetings will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Florence, Gilbert.  
NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE MID-YEAR BUDGET ADJUSTMENTS**

**Resolution No. 220124-11**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Henry

**WHEREAS**, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

**WHEREAS**, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

**WHEREAS**, the City Council has reviewed the City's 2021 – 2022 Revenue and Expenditure Report through December, and finds that it is not in deficit; however, certain department activity line items may be in deficit; and

**WHEREAS**, the City Council has received a Budget Amendment Summary and Revenue and Expenditure Reports reflecting proposed changes in budgeted items; and

**WHEREAS**, new budget amounts necessitate adjustments to the original adopted budget; and

**WHEREAS**, said supplemental documentation shows the new proposed revenue and expenditures by fund.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby authorizes and directs the city treasurer to make all necessary mid-year budget adjustment amendments to all city funds in accordance with the supplemental documentation (pages 126 to 128) attached.

Discussion Ensued.

YES: Krueger, Pinkston, Henry, Florence, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston commented on the email he received from Sandi Brill regarding the 8002 Miller Road property, Laser Flowers. Councilmember Pinkston spoke to Tonya Ketzler, who sold her flower shop and commented that their business is doing well. He is disappointed that Sandi didn't come to council to voice her concerns and she wasn't aware of many things the council has already done and there is also an apartment not just the flower shop. Mr. Zettel commented that Ms. Moore has been very uncommunicative.

Councilmember Henry referred to the city manger's report in the packet regarding the 8002 Miller Rd. property.

Councilmember Gilbert spoke about the water break at Miller & Raubinger.

Councilmember Hicks questioned if the epoxy we used on some of the roads worked. Mr. Zettel said some has worked good and other areas hasn't done so good. He has mixed reviews on it. She also suggested we do a virtual roll call. Mr. Zettel responded that he will check into it.

Councilmember Florence mentioned he saw some paperwork for a roundabout at Miller & Elms. He thinks that would be a disaster. Mr. Zettel responded it would have to be done at the city's expense and the city can't afford a roundabout.

**ADJOURNMENT**

**Resolution No. 220124-12**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council adjourn the regular council meeting of January 24, 2022.

Unanimous Voice Vote.

---

**David A. Krueger, Mayor**

---

**Connie Olger, City Clerk**