

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 03/28/2022**

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, City Attorney Chris Stritmatter.

Others Present: Jim Barclay, Metro PD Chief Bade, Jason Dover, Paul Spaniola, Daniel Spaniola , Mary McLanahan .

Others Virtually Attended: Lania Rocha, Bob Plumb, Samantha Fountain.

**APPROVAL OF MINUTES**

**Resolution No. 220328-01**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday March 14, 2022, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 220328-02**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of March 28, 2022, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

**Resolution No. 220328-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of March 28, 2022, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

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

M. McLanahan 5070 McLain St., inquired on travel trailer parking temporarily on her property . She is still having issues with speeding down Ingalls and would like a stop sign put up.

## **COUNCIL BUSINESS:**

### **RESOLUTION TO APPROVE A TEMPORARY ALLEY USAGE/CLOSURE PERMIT FOR THE ALLEY NORTH OF AND ADJACENT TO 8006, 8010, 8012, 8014 MILLER ROAD**

**Resolution No. 220328-04**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek enables closure and use of its public streets, plazas, and alleys upon application by a petitioner and approval by the city council; and

**WHEREAS**, the COVID pandemic has had a profound and dynamic impact on the community, including hospitality businesses that cannot provide in-person service, greatly jeopardizing the abilities of these businesses and property owners that rely on this industry; and

**WHEREAS**, grants were made available to enable outdoor dining, including winter service, for those business that can pursue this as an option; and

**WHEREAS**, the owner of 8006, 8010, 8012, and 8014 Miller Road houses two restaurant businesses that are immediately south of and adjacent to the city's public alley; and

**WHEREAS**, this alley is the only accessible space in which to safely accommodate outdoor service for Jamison's as well as JT's; and

**WHEREAS**, temporary use of this alley has been granted by the city council for the purposes of outdoor dining at this location, but such use and access has expired; and

**WHEREAS**, public utilities, including water and storm water, exist in the subsurface of the ally.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby authorizes and extends closure and private use, including routine maintenance (waste removal, snow removal, and general safety) of the city alley north of and adjacent to 8002, 8010, 8012, and 8014 Miller Road for the purpose of food service, including alcohol sales, inclusive of all stipulations and conditions as specified and listed within the original permit and the extension, dated March 22, 2022, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all activities.

**BE IT FURTHER RESOLVED** that the closure and use of said alley shall commence immediately and be valid for 180 days.

**BE IT FURTHER RESOLVED** that the closure and use of said alley is conditioned upon the retention of the city's access rights to operate and maintain all public utilities, systems, and appurtenances on and underneath the alley surface.

**BE IT FURTHER RESOLVED** that, as a condition of the permit, the city shall not be responsible for any private, personal property that may be damaged within the alley confines for any reason, including deliberate action by the city to access surface or subsurface utilities.

Discussion Ensued.

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

NO: Florence, Gilbert. Motion Declared Carried.

**RESOLUTION TO APPROVE DISTRIBUTION OF THE MASTER PLAN FOR PUBLIC REVIEW**

**Resolution No. 220328-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Florence

**WHEREAS**, Michigan Public Act 33 of 2008, the Michigan Planning Enabling Act, requires a community to adopt a master plan and sets forth the procedures for such plan review and adoption; and

**WHEREAS**, the City of Swartz Creek Planning Commission and DDA have been working with community stakeholders to develop a draft Master Plan; and

**WHEREAS**, a draft plan has been created, is substantially complete, and the planning commission recommended distribution and review by the public and other appropriate agencies at its meeting on March 8, 2022.

**NOW THEREFORE, BE IT RESOLVED**, that the Swartz Creek City Council authorizes the plan for distribution and directs the city manager to distribute the plan and schedule a public hearing in accordance with the Planning Enabling Act (PA 33 of 2008, as amended).

Discussion Ensued.

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

**RESOLUTION TO APPROVE PAVING PROJECTS FOR MAJOR STREETS, LOCAL STREETS, AND PUBLIC PARKING**

**Resolution No. 220328-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of major streets, local streets, and public parking areas; and

**WHEREAS**, most streets will not receive outside funding for maintenance, rehabilitation, or reconstruction; and

**WHEREAS**, it is prudent to rehabilitate service areas in a timely fashion to avoid increased costs that are associated with road and parking lot base deterioration; and

**WHEREAS**, the city solicited bids for rehabilitation of the civic campus parking lot and a number of major and local streets; and

**WHEREAS**, Ace Asphalt is the low bidder, and is found to be qualified to perform the work.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approves the bids to rehabilitate the civic campus parking lot, Seymour Road, and Bristol Road (Elms Road to west city limit) **and Hill Road**.

**BE IT FURTHER RESOLVED** the city council direct the city manager to prepare and execute a standard contractors agreement for the approved activities.

**BE IT FURTHER RESOLVED**, that the city council directs the city treasurer to transfer unencumbered and unreserved general fund dollars to the respective street funds to enable the project.

Discussion Ensued.

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

**A RESOLUTION TO AUTHORIZE A FAIR MARKET VALUE OFFER TO 6434 BRISTOL ROAD FOR A PERMANENT EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN THE SAFE ROUTES TO SCHOOL PATH**

**Resolution No. 220328-07**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek has formally planned for, acquired funds for, and intends to construct an extension of the Genesee Valley Regional Trail as well as a connected Safe Routes to School laterals; and

**WHEREAS**, the trail is a high priority regional asset that functions as an integral part of a non-motorized transportation network, as well as a recreational asset; and

**WHEREAS**, the trail extension will provide value for public use for walkers, bikers, joggers, and other users by providing a direct health and recreational benefit and by providing access to non-motorized travel between key destinations; and

**WHEREAS**, MDOT standards for construction require a substantial and ridged footprint to accommodate the 10 foot wide path and accompanying shoulders; and

**WHEREAS**, some sections of the path lack the proper right-of-way to accommodate the path; and

**WHEREAS**, some permanent easements have not yet been acquired through donation or good faith offers acquisition; and

**WHEREAS**, the city has been working with said property owners to negotiate a market transaction for permanent easement rights; and

**WHEREAS**, the owner of 6434 Bristol Road is agreeable to provide the easement for the sum of \$14,000, a sum that reflects a market appraisal.

**THEREFORE, BE IT RESOLVED** that the City of Swartz Creek authorizes and directs the city manager to sign and execute permanent easement as included in the city council packet of March 28, 2022.

**BE IT FURTHER RESOLVED** that the city shall issue payment directly to the property owners at the time of easement execution, as directed by the city attorney.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE THE CARES ACT/CDBG SUBRECIPIENT AGREEMENT**

**Resolution No. 220328-08**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek applied to a call for projects to receive a share of CARES Act CDBG funds, for the purpose of mitigating COVID measures and enhancing outdoor public events; and

**WHEREAS**, the Genesee County Board of Commissioners approved the request at their meeting on March 16, 2022; and,

**WHEREAS**, a subrecipient agreement is required to spend and request reimbursement for the \$14,934 in awarded funds.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Swartz Creek City Council approves the Subrecipient Agreement Between the County of Genesee and City of Swartz Creek, as included in the city council packet of March 28, 2022.

**BE IT FURTHER RESOLVED THAT** the Swartz Creek City Council authorizes and directs the city manager to execute the agreement on behalf of the city.

Discussion Ensued.

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

\*\*\*\*\**Master Resolution*\*\*\*\*\*

**RESOLUTION TO APPROVE AN EVENT PERMIT FOR JEEPERS CREEKERS, INC TO CLOSE STREETS AND HOLLAND SQUARE ON FIVE OCCASIONS FOR A CAR SHOW AND VENDOR SETUP**

**Resolution No. 220328-09**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**WHEREAS**, Jeepers Creekers, Inc (JC) organization is a recognized charitable entity that operates in Swartz Creek; and

**WHEREAS**, the JC is seeking permits and approvals to operate a car show on public grounds within the city, including the parking of cars on the roadway, closing of the roadway, sound amplification, food service, and related activities; and

**WHEREAS**, the City Council finds the JC organization and the event to be beneficial to the public and in good standing; and

**WHEREAS**, the section 20.01.G of Appendix A of the City Code of Ordinances provides for conditions of approval for a festival within the city, provided that the duration is less than 10 days, the operator is a charitable entity, and city council approval is required.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby approves Resolutions/Motions 220328-09 through 220328-09c, allowing for the various permits related to Car Show Event, to be held on five non-consecutive Thursdays, May 26, June 23, July 28, August 25 and September 22, inclusive of all stipulations and conditions as specified and listed within, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all events.

## **JEEPERS CREEKERS, STREET FESTIVAL, GENERAL STREET & PROPERTY USE PERMITS**

### **Resolution No. 220328-09a**

**I Move** the City of Swartz Creek approve and authorize ~~Swartz Creek Chamber of Commerce's~~ **Jeepers Creekers Inc.'s** application for street closing and City property use permits for the following locations:

1. 5012 Holland Drive
2. Miller Road (Morrish to Hayes)
3. Holland between Miller and Ingalls
4. Park Land located to the North and Northwest of the intersection of Morrish and Ingalls

Street and City property use subject to the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Sufficient number of portable bathrooms placed and located, and litter control program in accordance and under the approval of Director of Community Services.
3. Approval by the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

## **JEEPERS CREEKERS, HOLLAND SQUARE USAGE PERMIT**

### **Resolution No. 220328-09b**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Jeepers Creekers, Inc's application for use of Holland Square from 5pm to 9pm on May 26, June 23, July 28, August 25, and September 22, under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. General approval, and under the direction and control of the Office of the Chief of Police.
3. Adherence to the city's event and public plaza usage procedures

## **JEEPERS CREEKERS, STREET USAGE PERMIT**

### **Resolution No. 220328-09c**



**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Jeepers Creekers, Inc's application for street closing / usage permit for from 5pm to 9pm on May 26, June 23, July 28, August 25, and September 22 for purposes of conducting a car show on Miller Road (Morrish to Hayes) and Holland Drive under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. General approval, and under the direction and control of the Office of the Chief of Police.
3. Adherence to the city's street closure and usage procedures.

Discussion Ensued.

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

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**BREAK**

**8:15 P.M. TO 8:23 P.M.**

**RESOLUTION TO APPROVE A CONTRACT WITH THE MDOT AND TO DESIGNATION OF SIGNATORY**

**Resolution No. 220328-10**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Florence

**WHEREAS**, the City of Swartz Creek is planning and constructing a network of regional and local trails and has been awarded a grant from the State of Michigan MDOT via the Transportation Alternates Program; and

**WHEREAS**, the City has been awarded such funds to extend the Genesee Valley Trail, from Dye Road to Elms Park, in the amount of \$551,351 for Part A and \$16,661 for Part B; and

**WHEREAS**, the project has been let for bids by the MDOT, and a contract is required to set basic terms and conditions of the project and its funding, including the establishment of designated signers; and

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council accepts the MDOT Contract #22-5058, Control Section Number TA 25000, Job Number 204304CON and 214164CON.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council designates Mayor David A. Krueger and Clerk Connie Olger as signatories for the MDOT contract.

Discussion Ensued.

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

**8002 MILLER ROAD LEASE**

**DISCUSSION**

Mr.Zettel informed the council that there has been no payment of March's rent. Attorney Stritmatter has not had any communication with the renter and advised council to move forward with eviction. He feels the city has been patient and the property could be put up for sale and the city can move on.

**Resolution No. 220328-11**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**I Move** the Swartz Creek City authorize attorney to serve a 30-day notice to quit 8002 Miller Road.

YES Krueger, Pinkston, Henry, Cramer, Florence, Hicks.  
NO: Gilbert. Motion Declared Carried.

**RESOLUTION TO APPROVE CDBG SIGNATURE CARD**

**Resolution No. 220328-12**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek participates in the Genesee County Community Development Program; and

**WHEREAS**, the Genesee County Community Development Program has requested that we update our authorized signature cards.

**NOW, THEREFORE, BE IT RESOLVED** that the following individuals be authorized to request reimbursement from the Community Development Block Grant Program:

1. Connie Olger, City Clerk
2. Adam Zettel, City Manager
3. Deanna Korth, City Treasurer
4. Rob Bincsik, City Director of Public Services

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

**MEETING OPENED TO THE PUBLIC:**

Chief Bade updated the council on employees at Metro PD with several retiring, resigning and promotions. Metro will no longer have any K9 due to both dogs retiring.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Florence happy the meeting is almost over.

Councilmember Henry spoke on areas in town that need street repair.

Councilmember Cramer invited everyone to fundraisers he will be involved in.

Mayor Pro Tem Hicks thanked the chief.

Councilmember Gilbert asked everyone to think harder for Spring.

Councilmember Pinkston wondered if any road work would be done to Birchcrest & Chesterfield in the woods. Mr. Zettel replied that it is possible.

Mayor Krueger reminded everyone that April Fool's Day is Friday.

**ADJOURNMENT**

**Resolution No. 220328-13**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:58 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**