

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 03/13/2023**

The meeting was called to order at 7:01 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent: None.

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

Others Present: Linda Davis-Kirksey, Scott Thomas, Jake Neering, Susan Mesack, Jim Barclay, Metro PD Chief Bade.

Others Virtually Attended: Lania Rocha, Rob Merinsky, Deanna Korth.

**APPROVAL OF MINUTES**

**Resolution No. 230313-01** **(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday February 27, 2023, to be circulated and placed on file.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 230313-02** **(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 13, 2023, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane.

NO: None. Motion Declared Carried.

**CITY MANAGER'S REPORT**

**Resolution No. 230313-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of March 13, 2023, including reports and communications to be circulated and placed on file.

YES: Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert.  
NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

None.

**COUNCIL BUSINESS:**

**RESOLUTION TO AUTHORIZE APPLICATION FOR THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES RECREATION PASSPORT GRANT**

**Resolution No. 230313-04**

**(Carried)**

Motion by Councilmember Mayor Pro Tem Hicks  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek supports the submission of an application titled, "Otterburn Park Improvements" to the Recreation Passport grant program for pavilion construction and related site improvements at Otterburn Park; and,

**WHEREAS**, the City of Swartz Creek is hereby making a financial commitment to the project in the amount of \$42,500 matching funds; and,

**WHEREAS**, the construction of a pavilion at Otterburn Park is included in the cities capital improvement program, as part of a multi-phase Otterburn Park plan.

**NOW THEREFORE, BE IT RESOLVED** that the Swartz Creek City Council hereby authorizes submission of a Recreation Passport grant Application for \$127,500, and further resolves to make available a local match through financial commitment and donation(s) of \$42,500 (25%) of the total \$170,000 project cost.

Discussion Ensued.

YES: Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE THE MDOT AGREEMENT FOR THE SAFE ROUTES TO SCHOOL GRANT**

**Resolution No. 230313-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of major and local streets, some of which qualify for federal funds, as supplied by the State of Michigan MDOT via the Genesee County Traffic Improvement Program; and

**WHEREAS**, the City has been awarded such funds to construct various sidewalks, off street pathway, and traffic control devices within the community, in the amount of \$635,790; 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 #23-5039, Control Section Number TA 25000, Job Number 211462CON, Project 23A0281.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council approves the MDOT required construction engineering professional services agreement as submitted by OHM Advisors, dated March 9, 2023.

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

Discussion Ensued.

YES: Knickerbocker, Henry, Cramer, Gilbert, Hicks Krueger.  
NO: Spillane. Motion Declared Carried.

**RESOLUTION TO ADOPT ORDINANCE 460, AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 10 OF THE CODE OF ORDINANCES BY ADDING SECTION 10-310, SPECIAL EVENT CURFEW FOR MINORS**

**Resolution No. 230313-06**

**(Carried)**

Motion by Councilmember Knickerbocker  
Second by Councilmember Cramer

**WHEREAS**, the city authorizes special events from time to time within the city and on city controlled properties, and;

**WHEREAS**, such events are often of a scale that makes crowd control difficult given the availability of resources that the city has access to, and;

**WHEREAS**, the city council, in consultation with Metro PD and the Hometown Days organization, finds that large groups of unaccompanied minors and their peers under the age of 21 have been responsible for many of disturbances at such events in recent years.

**THEREFORE, I MOVE** the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 460**

An ordinance to amend the Code of Ordinances: Article IX of Chapter 10 of the Code of Ordinances of Swartz Creek by adding of Section 10-310

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Amendment of Article IX of Chapter 10 of the Code of Ordinances of the City of Swartz Creek by adding of Section 10-310.**

Section 10-310 of Article IX of Chapter 10 of the Code of Ordinances is amended to read as follows:

**Sec. 10-310 – Special Event Curfew for Minors.**

1. The presence of unsupervised minors 17 or under at special public events within the City creates a nuisance and health and safety hazard. Unsupervised minors create disorderly and potentially dangerous circumstances at these events. Due to incidents at special public events prior to the passing of this ordinance the City finds that there is a need to restrict the presence of unsupervised minors at such events as the City Council deems necessary from time to time to preserve the health, safety, and welfare of the public. The provisions of this section shall extend the curfew hours for minors 17 or under during special public events as deemed

necessary by the City Council to protect the health, safety, and welfare of the public.

2. During special public events, from the hours of 7:00 p.m. to 6:00 a.m. it shall be unlawful for an unsupervised minor 17 or under to be on designated public places specifically identified in a public notice issued by the City.
3. Any individual found in violation of Section 10-310 is responsible for a Municipal Civil Infraction.
4. A minor 17 or under found in violation of Section 10-310 will be prima facie evidence that the minor's parent or guardian is in violation of Section 10-308 by aiding and abetting the minor in violating the ordinance.
5. The following activities shall be exempt from the curfew requirements of this Section where the minor is:
  - a. Accompanied by his parent, guardian, or any other person 21 years of age or older authorized by a parent as the caretaker for the minor;
  - b. In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such an activity, without any detour or stop, and supervised by adults;
  - c. Engaged in a certain employment activity, or going to or from employment, without any detour or stop.

**Section 2. Effective date.**

This Ordinance shall take effect thirty (30) days following publication.

Discussion Ensued.

YES: Henry, Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker.

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE THE PLANTE MORAN AUDIT ENGAGEMENT LETTER**

**Resolution No. 230313-07**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Cramer

**WHEREAS**, Section 8.13 of the City Charter requires an audit of all accounts of the city government; and

**WHEREAS**, the city desires an independent and professional audit of financial statements in compliance with accounting principles generally accepted in the United States of America (GAAP); and

**WHEREAS**, independent auditors, Plante Moran, PLLC, chosen by the city per a qualified bidding selection process, has submitted a five year engagement letter, dated February 14, 2023, to perform auditing services related to the city's general fund, public utilities, enterprise accounts, Downtown Development Authority, Act 51 monies, and federal 'Single Audits' required for the use of federal funds, including USDA funds; and

**WHEREAS**, the City Council finds the services of Plante Moran, PLLC, to be sufficient and competitively priced.

**NOW, THEREFORE BE IT RESOLVED** that the Swartz Creek City Council accepts the engagement letter for general audit services, as submitted by Plante Moran, PLLC, in the amount of \$35,200 (general) and \$11,000 for federal single audits, as well as necessary and reasonable travel & out-of-pocket expenses, for the noted services.

**BE IT FURTHER RESOLVED** that the City Council directs the City Manager to execute said engagement letters on behalf of the city.

Discussion Ensued.

YES: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE A PUBLIC PLACE PERMIT FOR THE JEEPERS CREEKERS WEEKLY MARKET**

**Resolution No. 230313-08**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**WHEREAS**, Jeepers Creekers, Inc. is a recognized charitable entity that is in good standing and that operates in Swartz Creek; and

**WHEREAS**, said organization proposes to organize and host a monthly vendor market within Holland Square and on Holland Drive, including food trucks, and they therefore seek a permit to use the city street and the plaza from 4:00 p.m. to 9:00

p.m. on the following Tuesdays of June 13<sup>th</sup>, July 11<sup>th</sup>, August 8<sup>th</sup>, and September 12<sup>th</sup>; and

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

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby approves the application for a street usage permit to conduct a craft market and food truck event on the Tuesdays of June 13<sup>th</sup>, July 11<sup>th</sup>, August 8<sup>th</sup>, and September 12<sup>th</sup>, from 4:00 p.m. to 9:00 p.m., applicant: the Jeepers Creekers, Inc., in accordance with the application submitted, under the direction and control of the Chief of Police.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.

NO: None. Motion Declared Carried.

**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. 230313-09**

**(Carried)**

Motion by Councilmember Cramer  
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 businesses that can pursue this as an option; and

**WHEREAS**, the property at 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 S&K 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 alley.

**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 13, 2023, 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.

**BE IT FURTHER RESOLVED** that, as a condition of the permit, the permit holder shall be responsible for placement of an approved pedestrian gate and ramp to convey users between the parking lot and adjacent retail user to the east (Pink Lady's Slipper).

Discussion Ensued.

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

NO: Gilbert, Spillane. Motion Declared Carried.

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

None.

#### **REMARKS BY COUNCILMEMBERS:**

Councilmember Spillane wanted to know how do we sale off the city equipment. Mr. Zettel responded that we typically use an auction site.



Councilmember Henry questioned if the OHM contract for construction engineering needed to be approved through resolution. Mr. Zettel responded that it was included with SRTS resolution.

Councilmember Cramer commented that it is good to see the city and HTD'S and Metro all partnering to come up with the curfew ordinance.

Mayor Pro Tem Hicks questioned if the party responsible for all the cars shows downtown last year ever make a charitable donation as mentioned they would. Mr. Zettel responded he will try and find out if they did.

Councilmember Gilbert wants everyone to "Think Spring".

Councilmember Knickerbocker really appreciates the diversity of opinions and that they can all be shared. He also inquired if there are plans to restripe the city hall/library/ senior center parking lot. Mr. Zettel responded that the parking lot is scheduled to be redone this year and includes the striping.

Mayor Krueger reminded everyone there is a Genesee Winds Symphony Concert next Monday, 7:30 pm. at PAC. Saturday, March 18<sup>th</sup> is Special Comedy Night at American Legion, and March 25<sup>th</sup> Chili Cookoff at American Legion.

## **ADJOURNMENT**

**Resolution No. 230313-08**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular council meeting of March 13, 2023 at 8:44 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**