

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 05/08/2023**

The meeting was called to order at 7:03 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, Krueger, Knickerbocker, Henry.

Councilmembers Absent: Hicks,

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

Others Present: Josh Pfeiffer.

Others Virtually Attended: Rae Lynn Hicks.

**EXCUSE MAYOR PRO TEM HICKS**

**Resolution No. 230508-01**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council excuse Mayor Pro Tem Hicks.

YES: Unanimous Voice Vote.  
NO: None. Motion declared carried.

**APPROVAL OF MINUTES**

**Resolution No. 230508-02**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the amended Minutes of the Regular Council Meeting held Monday April 24, 2023, to be circulated and placed on file.

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

## **CLOSED SESSION MINUTES – APRIL 24, 2023**

### **Resolution No. 230508-03**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Closed Session Council Meeting held Monday, April 24, 2023.

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

## **APPROVAL OF AGENDA**

### **Resolution No. 230508-04**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of May 8, 2023, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

### **Resolution No. 230508-05**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of May 8, 2023, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

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

Josh Pfeiffer Seymour Rd., wanted to let the council know Metro has very little presence in the city. He has an issue with speeding on Seymour and throughout the city. He would like something to be done.

The Mayor responded we are currently working on this, we just received two speed signs we are going to put up and we are looking at other things.

**COUNCIL BUSINESS:**

**RESOLUTION TO APPROVE AN AMENDMENT TO THE CONSUMERS ENERGY LICENSE FOR THE GENESEE VALLEY & SRTS TRAILS**

**Resolution No. 230508-06**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek is in the process of constructing the Genesee Valley Trail and Safe Routes to School trail projects, which will traverse property owned by Consumers Energy; and

**WHEREAS**, said CE granted the city a site license at Bristol Road, traversing to the east along Bristol on the north side and traversing south to Elms Park; and

**WHEREAS**, the site license does not grant the city rights to traverse west along Bristol Road; and

**WHEREAS**, the SRTS segment that traverses west will function much better if the path is within the CE controlled area instead of the public right of way.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the site license amendment proposed by Consumers Energy, as included in the May 8, 2023, city council packet and further authorizes and directs to the City Manager to execute said license on behalf of the City.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE AN AMENDMENT TO THE WATER PURCHASE AGREEMENT WITH GENESEE COUNTY AS A REQUIREMENT TO RECEIVE USDA ASSISTANCE FOR WATER MAIN REPLACEMENT**

**Resolution No. 230508-07**

**(Carried)**

Motion by Councilmember Knickerbocker

Second by Councilmember Gilbert

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

**WHEREAS**, the potable water for the City of Swartz Creek is supplied by the Karegnondi Water Authority via Genesee County, and

**WHEREAS**, the city has been awarded USDA grant funds and low interest loans that will defray some of the expense of providing for this local and regional water main infrastructure, and

**WHEREAS**, the USDA award requires that the water supply contract with Genesee County, through its Drain Commission office, be affirmed and include standard terms and conditions of the federal department, including the guarantee of water supply through the life of the USDA loan, and

**WHEREAS**, the current agreement was entered into on September 4, 2019, but it requires an update to ensure extension of the supply to conform with the USDA requirements, and

**WHEREAS**, the GCDC and the city attorney have modified an acceptable amendment under which the county shall be required to supply the city with potable water.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council hereby approves the “Water Supply Contract Between the County of Genesee, A Michigan County Corporation, by and Through Its Drain Commissioner, County Agency and the City of Swartz Creek, Michigan, A Michigan Home Rule City” as included in the city council packet of May 8, 2023.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek directs the Mayor to execute this agreement on behalf of the city.

Discussion Ensued.

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

**RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR MS4 COMPLIANCE AND FAT, OIL, AND GREASE PROGRAM OVERSIGHT**

**Resolution No. 230508-08**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of storm water collection assets that drain to the Swartz Creek and other public water bodies of the state; and

**WHEREAS**, the city is required to comply with standards pertaining to the Municipal Separate Storm Sewer System (MS4); and

**WHEREAS**, the city also operates a business inspection program to ensure fats, oils, and greases are properly disposed of within the community sanitary sewer system; and

**WHEREAS**, the city solicited a proposal from a pre-approved engineer that specializes in sanitary and storm sewer matters to oversee both MS4 and the FOG program; and

**WHEREAS**, both programs are established, but reapplication to the MS4 program is required in 2024.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approve the professional service agreement dated April 18, 2023, as submitted by DLZ in the amount of \$11,400 and authorize and direct the Mayor to execute said agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE ASPHALT APPLICATION TO THE ELMS PARK BASKETBALL COURTS**

**Resolution No. 230508-09**

**(Carried)**

Motion by Councilmember Henry

Second by Councilmember Knickerbocker

**WHEREAS**, the city maintains a system of parks, including grounds and active recreational facilities; and

**WHEREAS**, the Elms Basketball courts are identified as a priority maintenance need by the park board, and the current budget sets funds aside to rehabilitate the courts; and

**WHEREAS**, the city sought bids to add a 2" cap to the courts; and

**WHEREAS**, one bid, out of four bid holders, was received in the amount of \$54,600 by Delta Paving of Flint Michigan, a company found to be in good standing by the city.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the bid from Delta Paving of 4186 Holiday Drive, Flint MI, in the amount of \$54,600.

**BE IT FURTHER RESOLVED** the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund as appropriate.

Discussion Ensued.

YES: Krueger, Knickerbocker, Henry, Cramer.

NO: Gilbert, Spillane. Motion Declared Carried.

## **RESOLUTION TO APPROVE CDBG EXTENSION**

**Resolution No. 230508-10**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek currently participates in the Genesee County Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the city maintains 'entitlement status' by virtue of the Cooperative Agreement established in 1994, enabling the city to receive CDBG funds from the county; and

**WHEREAS**, the Continuation Clause of the Agreement indicates that 'entitlement status' must be affirmed every three years to maintain fundability; and

**WHEREAS**, the City Council finds that the benefits that the Cooperative Agreement offers outweigh the benefits of opting out.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby affirms and states its intent to remain in the Genesee County CDBG Program through 2026 and directs the city clerk to sign and deliver a letter to the Genesee County Metropolitan Planning Commission indicating this intent.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE ABRAMS PARK FORESTRY SERVICES**

**Resolution No. 230508-11**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**WHEREAS**, the city maintains a system of parks, including grounds and active recreational facilities; and

**WHEREAS**, tree removal at Abrams Park is a budgeted priority for the park board; and

**WHEREAS**, the city sought bids to remove eleven trees that were considered the most unhealthy, unsafe, and problem causing; and

**WHEREAS**, one bid, out of six bid holders, was received in the amount of \$18,150, by J&M Tree Service.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the bid from in the amount of \$18,150.

**BE IT FURTHER RESOLVED** the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund as appropriate.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO SET THE 2023-2024 COUNCIL MEETING SCHEDULE**

**Resolution No. 230508-12**

**(Amended)**

Motion by Councilmember Knickerbocker  
Second by Councilmember Gilbert

**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,

**NOW, THEREFORE**, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2023-2024 shall be held twice each month, and further, that all meetings shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2023:	Monday – 10th Monday – 24th
August 2023:	Monday – 14th Monday – 28th
September 2023:	Monday – 11th Monday – 25th
October 2023:	Monday – 09th Monday – 23rd
November 2023:	Monday – 13th Monday – 27th
December 2023:	Monday – <del>04th One Week Earlier</del> Monday – <del>11th Two Weeks Earlier</del>
January 2024:	Monday – 08th Monday – 22nd
February 2024:	Monday – 12th Monday – 26th
March 2024:	Monday – 11th Monday – 25th
April 2024:	Monday – 08th Monday – 22nd
May 2024:	Monday – 13th Tuesday – 28 <sup>th</sup> One day later
June 2024:	Monday – 10th Monday – 24th

**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 meeting will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.



Discussion Ensued.

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**I Move** to amend the motion changing the December 2023 meeting dates to:

December 2023:                      Monday – 11th  
   Monday – 18<sup>th</sup> One week earlier

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

NO: None. Motion Declared Carried.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO ESTABLISH A DATE FOR THE PUBLIC HEARING REGARDING  
THE 2023-2024 FY BUDGET**

**Resolution No. 230508-13**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek observes a fiscal year, beginning on July 1 of each year; and,

**WHEREAS**, the City Charter requires a public hearing on the proposed budget and encourages adoption prior to the third Monday in May; and,

**WHEREAS**, city staff have prepared budget revenues and expenses in draft form in the timeliest manner practical based upon determinations available for taxable value.

**NOW, THEREFORE BE IT RESOLVED** the City of Swartz Creek hereby sets a Public Hearing, to be held on Monday, May 22, 2023 at 7:00 PM, at the regularly scheduled City Council Meeting, or as soon thereafter as this matter can be heard, to hear public comments and needs regarding the Proposed 2023-2024 Fiscal Year Budget, and further, post a notice of the public hearing in the View News, with a copy of the proposed budget to be available in the Clerk's Office beginning May 9, 2023.

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

NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

Rae Lynn Hicks 8373 Miller Rd., spoke of the Mundy Twp. meeting regarding the potential development. Mr. Zettel responded that there is a meeting tonight and one on May 31<sup>st</sup> that is dedicated to potential development. Our goal is to maintain our parks and she is happy that the parks resolutions were passed.

**RESOLUTION TO ENTER CLOSED SESSION TO CONSIDER PROPERTY TRANSACTION (ROLL CALL VOTE)**

**Resolution No. 230508-14**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Spillane

**WHEREAS**, the City of Swartz Creek has potential business concerning the transaction or lease of real property, and;

**WHEREAS**, the MCL 15.268(d) permits a governing body to enter a closed session to consider the purchase or lease of real property up to the time an option to purchase or lease that property is obtained.

**NOW THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council exit the regular session of the city council and enter into a closed session for the purpose of discussion related to the consideration of the purchase or lease of real property.

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

**RESOLUTION TO ENTER INTO PURCHASE AGREEMENT FOR PARCEL #58-30-300-012**

**Resolution No. 230508-15**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council enter into a purchase agreement for Bristol Rd. Parcel # 58-30-300-012.

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

**RESOLUTION TO APPROVE FUNDS FOR ENVIRONMENTAL CONSULTING**

## SERVICES FOR PARCEL #58-30-300-012

### Resolution No. 230508-16

(Carried)

Motion by Councilmember Cramer  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council appropriate funds for environmental phase I of said Parcel # 58-30-300-012, Bristol Road.

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

NO: None. Motion Declared Carried.

### REMARKS BY COUNCILMEMBERS:

Councilmember Henry thanked all who indulged on his budget questions.

Councilmember Cramer thanks for the budget workshop, it was a great overview of the budget process. He is looking forward to a successful Hometown Days.

Councilmember Gilbert thanks for dinner and I am thankful for the summer weather.

Councilmember Knickerbocker needs a mailbox.

Councilmember Spillane wondered what all needs to be done at the Abrams restroom. Mr. Zettel commented that it's all aesthetic. He wanted to know if we have a timeline for resolving complaints that are brought up by the residents during council meetings. Mr. Zettel replied he works on getting them resolved or getting a reply on the status of what is going on as soon as possible. Councilmember Spillane also suggested, as in the past, using an insect fogger prior to concert nights. He appreciates the information given tonight on the budget; it was very helpful.

Mayor Krueger noted that the Hometown Days fireworks is on his birthday. He also has an interview with Channel 12 about Otterburn Park.

### ADJOURNMENT

### Resolution No. 230508-17

(Carried)

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:41 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**