

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE August 25, 2025**

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

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Renee Kraft, Attorney Mike Gildner.

Others Present: Andy Harris-OHM, Fire Chief Plumb, Metro PD Chief Bade, Dennis Cramer, Don Austin, Jeanne Beville, Betty Binder, Kora Reid, Lauri Pieniozell, Dana Beckley, James Lampkin, Julie & Ron Webb, Ethan Webb, Logan Jeru, Mindy Brisbane, Clint Brisbane, Teilah Sprowl, Sandra Martin, Daniel Brinkman, Judy Bouchard, Dave Bouchard, Adam Campbell, Jeanne Jackson, Livia Jackson, Layne Parks, Logan Black, Abbey Holland, Richard & Rebecca Miller, Samantha Roberts, Lania Rocha, Jenni Wolgast.

Others Virtually Attended: None.

APPROVAL OF MINUTES

Resolution No. 250825-01

(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 August 11, 2025 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 250825-02

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of August 25, 2025, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 250825-03

(Carried)

Motion by Councilmember Melen
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of August 25, 2025, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

THE MILLER SETTLEMENT CITIZEN OF THE YEAR: Presented to Betty Binder.

Recess: Went into recess at 7:17pm and exited recess and reentered session at 7:25pm.

RESOLUTION TO APPROVE THE FISCAL YEAR 2026 BUDGET FOR THE FIRE DEPARTMENT

Resolution No. 250825-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Gilbert

WHEREAS, the agreement for fire services between Clayton Township and Swartz Creek City indicates a specific process for budgetary review and approval by the municipalities; and,

WHEREAS, the staff of Clayton Township and the Swartz Creek City have found the proposed budget to be acceptable by both parties; and,

WHEREAS, the Swartz Creek Fire Board affirmed the proposed budget at their regular meeting on August 18, 2025.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek approve the Fiscal Year 2026 Swartz Creek Area Fire Department Budget, a copy of which is attached hereto, gross maximum total not to exceed \$382,131.14, to be paid commensurate of the agreement between the City of Swartz Creek and the Township of Clayton, payment being the City's obligation of one-half of the proposed total budget

Discussion Ensued with Chief Plumb.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE AN EXPANDED USE RESERVATION AND PARK FEE/DEPOSIT WAIVER FOR USE OF OTTERBURN PARK FOR A NON-PROFIT BIKE RACE

Resolution No. 250825-05

(Carried)

Motion by Councilmember Gilbert

Second by Councilmember Melen

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

WHEREAS, the Greater Flint Athletic Club is proposing an expanded park use reservation for Otterburn Park on Sunday, September 21, 2025 for the purpose of holding an off road bike race; and

WHEREAS, the group is a recognized non-profit operating in Swartz Creek that meets 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 GFAC to be a qualifying group with a qualifying activity; and

WHEREAS, the GFAC seeks a waiver to be able to use amplified sound in order to make official announcements.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the expanded use reservation of the Greater Flint Athletic Club and waives all applicable fees for the September 21, 2025 reservation in Otterburn Park, subject to submission of required insurance listing the City as an additionally insured party for the event.

NOW, BE IT FURTHER RESOLVED, the Swartz Creek City Council hereby approves the use of amplified sound for official announcements by the GFAC in Otterburn Park for the duration of the event.

Discussion Ensued with applicant Jenni Wolgast.

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

RESOLUTION TO APPROVE ORDINANCE 470, AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 10 OF THE CODE OF ORDINANCES BY AMENDING SECTION 10-162 AND DELETING SECTIONS 10-164, 10-167, AND 10-168

Resolution No. 250825-06

(Carried)

Motion by Councilmember Knickerbocker
Second by Councilmember Melen

WHEREAS, the City of Swartz Creek seeks to promote safety and security within the community; and

WHEREAS, the Code of Ordinances, Chapter 10, promulgates rules regarding disorderly persons; and

WHEREAS, the City seeks to consolidate and set new standards related to the regulation of disorderly persons.

THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 470**

An ordinance to amend Article V of Chapter 10 of the Code of Ordinances by amending Section 10-162 and deleting Sections 10-164, 10-167 and 10-168.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Section 10-162 of Article V of Chapter 10 of the Code of Ordinances.

The City Council hereby amends Section 10-162 of Article V of Chapter 10 of the Code of Ordinances so that it reads as follows:

Sec. 10-162. – Disorderly Persons.

A person is a disorderly person if he or she:

- (a) Creates, causes or incites a public disturbance or commotion in any public place;
- (b) Offers or engages in sexual activity for compensation in violation of state law;
- (c) Secretly observes another person in a place where that person has a reasonable expectation of privacy;
- (d) Participates in, organizes or operates an unlawful business or occupation;
- (e) Appears in a public place while under the influence of alcohol or controlled substances and engages in conduct that endangers the safety of themselves or others, or that creates a public disturbance;
- (f) Engages in indecent or obscene conduct in a public place. A mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct regardless of whether or not her areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk.
- (g) Is a vagrant. For purposes of this section, a vagrant is (i) a person who wanders from place to place without a visible means of support or without a permanent home; or (ii) occupies public or private property without permission or lawful authority, in a manner that substantially interferes with the rights of others to use the property, including establishing a temporary living space or encampment without consent or legal authorization;
- (h) Remains in or about a location where an illegal business or occupation is being conducted, with the intent to participate in, promote, or facilitate such activity;
- (i) Intentionally jostles, shoves, or crowds another person in a public place without lawful purpose, in a manner likely to cause alarm or provoke a violent response.

Section 2. Deletion of Sections 10-164, 10-167 and 10-168 of Article V of Chapter 10 of the Code of Ordinances.

The City hereby deletes Sections 10-164, 10-167 and 10-168 of Article V of Chapter 10 of the Code of Ordinances in their entirety.

Section 3. Effective Date.

This Ordinance shall take effect 30 days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 25th day of August, 2025, Knickerbocker moved for adoption of the foregoing ordinance and Melen supported the motion.

Voting for: Henry, Melen, Spillane, Gilbert, Hicks, Krueger, Knickerbocker

Voting against: None.

The Mayor declared the ordinance adopted.

Nate Henry
Mayor

Renee Kraft
Renee Kraft, CMC, MiPMC-2
City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 470 which was enacted by the Swartz Creek City Council at a regular meeting held on the 25th day of August, 2025.

Renee Kraft
Renee Kraft, City Clerk

Discussion Ensued with Attorney Mike Gildner and Andy Harris-OHM.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES TO COMPOSE AND REPORT THE CITY'S WATER SYSTEM GENERAL PLAN, WATER RELIABILITY STUDY, ASSET MANAGEMENT PLAN, RISK AND RESILIENCY ASSESSMENT, AND EMERGENCY RESPONSE PLAN

Resolution No. 250825-07

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Melen

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

WHEREAS, the city drafted, updated, and adheres to various plans for operation of the water system, including a Water System General Plan, Water Reliability Study, Asset Management Plan, Risk and Resiliency assessment, and an Emergency Response Plan, among others, and

WHEREAS, the city is required to update these plans in accordance with Michigan Public Act 399 and the America's Water Infrastructure Act of 2018, as administered by EGLE and the EPA respectively, and

WHEREAS, the inspection, analysis, and reporting that is integral to such plans is technical, sophisticated, and requires the services of a professional engineering company, and

WHEREAS, OHM Advisors is a pre-authorized engineering consultant that is highly engaged in the city's ongoing water analysis and services.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the professional service proposal as submitted by OHM and dated August 7, 2025 and included in the August 25, 2025 city council packet, in the amount of \$76,700, plus a 10% contingency for noted hourly services.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the Mayor to execute said engineering proposal on behalf of the city.

Discussion Ensued.

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

RESOLUTION TO APPROVE SEWER SERVICE INSTALLATION TO OTTERBURN PARK

Resolution No. 250825-08

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Melen

WHEREAS, the City finds it necessary to install a sewer service to vacant land on Bristol Road that is being developed for use as a public park; and

WHEREAS, the City finds that said installation will be significantly more cost effective if completed prior to the final establishment of a final scope of work and grant agreement with the Michigan DNR; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for terms and conditions of purchases; and

WHEREAS, the City is authorized, at the request of the city manager, to negotiate a product or service if the economic interest of the city is best served by doing so; and

WHEREAS, the Director of Public Services has multiple quotes for the installation of said service, one of them from a pre-qualified low bid holder currently working in the city; and

WHEREAS, Steve's Plumbing and Excavating is proposing to provide the materials and labor necessary to fully install a 4" sewer service for the price of \$14,750, a price well below the engineer's estimate and that of the city's current excavation contractor; and

WHEREAS, the City finds that the time and costs involved in preparing specifications for an additional sealed bid process are not in the best interests of the city.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approves the estimate for the installation, by boring, of a sewer service as quoted by Steves Plumbing and Excavating, including a 10% contingency, to be apportioned from the Sewer Fund (590).

BE IT FURTHER RESOLVED, the City of Swartz Creek authorize and direct the City Manager to create and execute a standard contractor's agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Knickerbocker: Lunch at the Chambers at noon tomorrow.

Councilmember Gilbert: Questioned when the railroad will be completed. City Manager responded that the project could start any time and Miller Road will be closed for 6-14 days once they start work.

Mayor Pro Tem Hicks: Her son was in town and played disc golf at Otterburn and enjoyed it.

Councilmember Krueger: Genesee County Wind Symphony have no conflicting dates with council meetings this year.

Councilmember Spillane: Questioned who was cutting Otterburn Lawn. Questioned building inspectors charging for inspections when on-site inspections might not be happening.

Mayor Henry: He corrected an earlier comment: Betty Binder is a member of the General Federation of Women's Club.

ADJOURNMENT

Resolution No. 250825-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Melen

I Move the Swartz Creek City Council adjourn the regular meeting at 8:20 p.m.

Unanimous Voice Vote.

Nate Henry, Mayor

Renee Kraft

Renee Kraft, CMC, MiPMC2, City Clerk