

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR (VIRTUAL) COUNCIL MEETING  
DATE 12/07/2020**

The regular (virtual) meeting was called to order at 7:02 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Fountain, Farmer, Gilbert, Hicks, Krueger, Henry.

Councilmembers Absent: Pinkston.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, Treasurer Deanna Korth, Director of Community Services Andy Harris, City Attorney Chris Stritmater.

Others Present: Lania Rocha, Erik Jamison, Metro PD Chief Bade.

**APPROVAL OF MINUTES**

**Resolution No. 201207-01**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday November 23, 2020 to be circulated and placed on file.

YES Farmer, Gilbert, Hicks, Krueger, Henry, Fountain.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 201207-02**

**(Carried)**

Motion by Councilmember Fountain  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of December 07, 2020, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Henry, Fountain, Farmer.  
NO: None. Motion Declared Carried.

## **CITY MANAGER'S REPORT**

**Resolution No. 201207-03**

**(Carried)**

Motion by Councilmember Farmer  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council accept the City Manager's Report of December 07, 2020, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Hicks, Krueger, Henry, Fountain, Farmer, Gilbert.  
NO: None. Motion Declared Carried.

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

None.

### **COUNCIL BUSINESS:**

#### **RESOLUTION IN SUPPORT OF MICHIGAN SENATE BILL NO. 661 COOPERATIVE BID**

**Resolution No. 201207-04**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Henry

**WHEREAS**, the equine industry plays an important role in the communities in which it is located by directly and indirectly supporting a broad set of local jobs, agricultural and economic activity across the spectrum of businesses and occupations; and

**WHEREAS**, the State of Michigan currently has no live thoroughbred licensed racing facilities which in turn costs the state revenue, business profits, personal wages, and job opportunities; and

**WHEREAS**, the Sports Creek Raceway Facility was an integral part of Swartz Creek's economic landscape for over 30 years; and

**WHEREAS**, Sports Creek Raceway at one time employed 100 workers on live race days and 40 workers for simulcasting support services; and

**WHEREAS**, tax revenues produced from Sports Creek to Swartz Creek during years in which it featured live racing ranged from \$118,000 to \$425,000 annually; and

**WHEREAS**, in October 2018 Sports Creek Raceway was purchased by AmRace & Sports, LLC, operated by Dan Schafer, with the plan to reopen the track featuring thoroughbred racing, simulcasting and historical racing wagering opportunities as well as community horse park programs;

**WHEREAS**, Senate Bill 661 will permit AmRace & Sports, LLC to open the track at Sports Creek Raceway while providing funds to the Michigan Transportation Fund, the Michigan Agricultural Equine Industry Development Fund, and the Horse Racing Advisory Commission; and

**WHEREAS**, the passage of Senate Bill 661 will permit the Horse Racing Advisory Commission to have funds necessary to distribute grants, conduct research and promote horse racing.

**NOW, THEREFORE, I MOVE** that the City of Swartz Creek City Council pass this Resolution supporting Senate Bill 661 so that it may become enacted to help provide the necessary resources to allow Sports Creek Raceway to open and thoroughbred racing to get back on track in Michigan.

Discussion Ensued.

YES: Krueger, Henry, Fountain, Farmer, Gilbert, Hicks.

NO: None. Motion Declared Carried.

## **RESOLUTION IN SUPPORT OF THE MICHIGAN MUNICIPAL LEAGUE'S COMMUNITY STABILIZATION PLAN**

**Resolution No. 201207-05**

**(Failed)**

Motion by Councilmember Gilbert

Second by Councilmember Henry

**WHEREAS**, the unforeseen events of COVID-19, combined with Michigan's broken municipal finance system, have pushed our communities into severe financial distress with several cities already in the process of announcing budgetary cuts, layoffs, or both and more are expected in the coming months; and

**WHEREAS**, the City of Swartz Creek has already taken dramatic, impactful, and exhaustive measures to ensure efficient function of its local services; including but not limited to the combining of building, police, fire, and park services; outsourcing of assessing services; general staffing reductions; and the imposition of new assessments and levies; and

**WHEREAS**, unless the Michigan Legislature acts quickly to pass the Community Stabilization Plan, local government bodies will be unable to conduct business, and revenue losses will result in drastic cuts to public safety, infrastructure, parks, and other vital services essential to talent attraction and quality of life.

**NOW, THEREFORE, I MOVE** that the City of Swartz Creek City Council endorse the Community Stabilization Plan of the MML, dated November 19, 2020 and included in the December 7, 2020 city council packet, including the provisions for the Open Meetings Act, City Income Tax provisions, and Headlee Amendment provisions.

**BE IT FURTHER RESOVLED**, that the City of Swartz Creek authorize and direct the Mayor to sign and address the letter of support to Governor Whitmer, Leader Shirkey, Speaker Chatfield, Leader Ananich, and Leader Greig.

Discussion Ensued.

YES: Fountain, Farmer, Hicks.

NO: Henry, Gilbert, Krueger. Motion Declared Failed.

**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. 201207-06**

**(Carried)**

Motion by Councilmember Fountain  
Second by Councilmember Farmer

**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**, there are grants 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 Hank and Don's as well as JT's.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby authorizes 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 permit dated December 3, 2020, 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 120 days.

Discussion Ensued.

YES: Henry, Fountain, Farmer, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

**EXCUSE COUNCILMEMBER PINKSTON**

**Resolution No. 201207-07**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Henry

**I Move** the Swartz Creek City Council excuse Councilmember Pinkston.

YES: Unanimous Voice Vote.

NO: None. Motion declared carried.

**MEETING OPENED TO THE PUBLIC:**

Erik Jamison, owner of 8006, 8010, 8012 & 8014 Miller Rd, thanked the council for passing the resolution.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Henry noted a few things, a line that is tied down at Miller/Fairchild, the erosion control fabric still on areas where the street construction was and he questioned if Burkeshire Apts. where approved for the new sign. He also attended the Metro PD's last meeting and was impressed with their presentation of the budget.

Mr. Harris replied the erosion control fabric is something the Drain Commission is responsible for and will take it off when they feel it's adequate.

Mr. Zettel replied that Burkeshire Apts. did not apply for that sign and he has been in contact with the code enforcement officer about it. Fast Eddie's also put up a new sign without applying for permit and they are working on getting the proper paperwork turned in.

Councilmember Fountain is looking forward to the outdoor dining they was approved tonight, and it would be great if they could have that all year round. She appreciated the Fire Dept. doing the Christmas Parade (drive through).

Councilmember Farmer thanked the Fire Dept. for the amazing Christmas Parade. He is also excited about the outdoor dining.

Mayor Pro Tem Hicks received many compliments about the parade and the Fire Dept. did a nice job. She also prefers to continue our meetings via Zoom and feels it is not necessary to meet in person due to the pandemic. The DPW jobs list in the packet are great records. Everyone stay safe.

Councilmember Gilbert everyone stay safe. He mentioned that the streetlight across from him goes off & on all the time. Mr. Harris replied he called and order in on that light.

Mayor Krueger mentioned street light at Morrish/Miller has been out for weeks. Councilmember Henry replied that he called CE about that light already. Mayor Krueger is glad that Hank & Don's has a solution for the lack of indoor dining.

## **ADJOURNMENT**

**Resolution No. 201207-08**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular meeting at 7:55 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**