

**FRANKENMUTH CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, March 1, 2022
7:00 P.M.**

PRESENT: Ackerman, LaBrenz, Meyer, Reindel, Ross & Schoenow.

ABSENT: Schmitzer (attended virtually via Zoom).

Mayor Ackerman called the meeting to order at 7:01 P.M. and opened the meeting by leading the pledge of allegiance.

PUBLIC COMMENTS

City Manager Smith announced that FEMA has notified the City today that the Cass River Levee Improvements project has been certified and that the downtown will be placed outside of the floodplain on their official floodplain maps that will be released very soon. Former DDA Director Stamiris and Project Engineer Jason Matteo joined the meeting via Zoom as a toast was made for a project well done.

Police Chief Mawer introduced new full-time officer Cory Jacobs to Council and those in attendance.

There being no further public comments, the Mayor proceeded with the agenda.

APPROVAL OF AGENDA

Moved by LaBrenz, seconded by Meyer, to approve the agenda as presented with the addition of a resolution accepting the final portion of Blossom Drive as a City street. Unanimously carried.

APPROVAL OF MINUTES

Moved by Ross, seconded by Meyer, to approve the minutes from the committee of the whole and regular meetings held on February 1, 2022 and the work session meeting on February 17, 2022. Unanimously carried.

DISCUSSION ON RECOGNIZING A HOSPITAL AFFILIATION WITH INSIGHT SURGICAL HOSPITAL WITHIN THE CITY OF FRANKENMUTH

Dr. Mohammad Jondy, 170 W. Genesee Street, who owns and operates his own medical practice, requested that the City approve an agreement allowing his practice to affiliate with Insight Surgical Hospital so he is able to perform some minor surgical procedures at his office and his patients do not need to go outside Frankenmuth to seek such services. He reviewed that the proposed agreement would allow him to designate space in his current office for such minor procedures and require him to be under the hospital's accreditation standards. He advised that he

remains an independent practitioner and that this agreement for space would allow him to bill insurance companies for such procedures being he would be working underneath the hospital's umbrella. He currently specializes in the area of sports medicine and this agreement would permit him to do some simple surgical procedures at his office.

Discussion took place on whether the City has any other such agreements with area hospitals, that there are state certificate of need requirements and regulations, and that the City attorney may need to better guide us on this process as it is unfamiliar to Council and staff.

Dr. Jondy was understanding of the need to postpone action on the agreement until the City can do some additional study on the matter.

BOARDS & COMMISSIONS APPOINTMENTS

RESOLUTION NO. 2022-13 - APPOINTMENT OF CONSTRUCTION BOARD OF APPEALS

City Manager Smith reviewed that for several years now each political jurisdiction within the Construction Codes Group authority re-appoint the same members for their Construction Board of Appeals along with Birch Run, Bridgeport and Taymouth Townships' boards. This action allows the joint board to hold one annual meeting collectively and split the costs accordingly. The Board rarely meets; however, each jurisdiction is required to have a board appointed and they must meet annually.

Discussion took place on adding Frankenmuth resident Gary Hochthanner to fill the vacancy of the Design Professional position.

Moved by Ross, seconded by LaBrenz, to adopt Resolution No. 2022-13 appointing certain members to the City of Frankenmuth Construction Board of Appeals with two years terms expiring March 31, 2024. Unanimously carried.

MONTHLY REPORTS

Police Chief Mawer reviewed his monthly department activities report for January 2022. Fire Chief Kerns provided the written January monthly report and verbally reviewed the February activities. The February financial report was presented by City Manager Smith. City Clerk Kerns reviewed the construction code activity for the month of February.

Moved by Meyer, seconded by Reindel, to approve the above referenced monthly reports as submitted. Unanimously carried.

RESOLUTION NOS. 2022-14 TO 2022-22 - APPROVE CONSENT AGENDA ITEMS

Moved by Reindel, seconded by Schoenow, to adopt Resolution No. 2022-14 approving the 2022 Volkslaufe events on Sunday, July 3 and Monday, July 4, 2022; to adopt Resolution No. 2022-15 approving a request from the National Multiple Sclerosis Society – Michigan Chapter to conduct

a fundraising walk on Saturday, May 7, 2022; to adopt Resolution No. 2022-16 approving the Frankenmuth River Place Dog Bowl and Bavarian Inn Balloons Over Bavaria Events from May 27 through May 30, 2022; to approve Resolution No. 2022-17 approving the FrankenMudder Event on Saturday, July 18, 2022 with some listed conditions; to approve Resolution No. 2022-18 approving 2022 Frankenmuth Bavarian Festival activities from June 9-12, 2022; to adopt Resolution No. 2022-19 approving a request from Country Streets Machines to Close S. Main Street for the 2022 Big Block Party on Friday, September 9, 2022; to adopt Resolution No. 2022-20 approving the temporary signs for the Chamber’s Friday Fun Nights Promotion from May 27 to September 2, 2022; to adopt Resolution No. 2022-21 approving a noise control time limit exception for 18 festivals and events in 2022; and to adopt Resolution No. 2022-22 approving dates for the 2022 Chamber of Commerce sidewalk sales request that coincides with major festivals and events. Unanimously carried.

NEW BUSINESS

RESOLUTION NO. 2022-23 - APPROVAL OF ANNEXATION OF A SMALL PARCEL BEHIND 590 CHURCHGROVE ROAD IN SECTION 22

The Mayor reviewed that property owners requested to annex a small parcel that is .64 acre behind their City residential parcel.

Discussion took place on there being several lots that were historically permitted to annex the front portions, but not the rear portions of their lots.

Moved by Meyer, seconded by Schoenow, to adopt Resolution No. 2022-23 approving the annexation of a small parcel located west of 590 Churchgrove Road in Section 22 of Frankenmuth Township, effective January 1, 2023. Unanimously carried.

RESOLUTION NO. 2022-24 – AWARD CONTRACT TO CONSTRUCT W. TUSCOLA STREET INFRASTRUCTURE IMPROVEMENTS

City Manager Smith advised that Spicer Group, the City’s consulting engineers for the project, received five bids for the construction of infrastructure improvements on W. Tuscola Street, between Main and Ardussi Streets. The project is being done due to replacing aging and deteriorated water and sanitary sewer mains, between Main & Cass Streets. Based upon Spicer’s review, it was recommended that the lowest bid from American Excavating be approved.

Discussion also took place on the bids coming in near the City’s estimate and the proposed construction commencing in April and being completed in July.

Moved by Ross, seconded by Reindel, to adopt Resolution No. 2022-24 accepting the bid from American Excavating, Ltd. of Saginaw, Michigan to construct the W. Tuscola Street infrastructure improvements for a total of approximately \$879,832. Unanimously carried.

RESOLUTION NO. 2022-25 - ACCEPT THE FINAL PORTION OF BLOSSOM DRIVE AS A NEW STREET

City Manager Smith reviewed requirements for certification of public streets because Blossom Drive was not platted as a subdivision, and that the approval process is different than typical.

Discussion took place on the location of the street extension and street funding.

Moved by Meyer, seconded by Ross, to adopt Resolution No. 2022-25 accepting the final portion of Blossom Drive as a City Street. Unanimously carried.

2020-2021 ANNUAL AUDIT

City Manager Smith advised that the Audited City Financial Statements for the Fiscal Year 2020-2021 was presented to Council at their February work session meeting as prepared by the accounting firm of Gardner, Provenzano, Thomas & Luplow, PC.

Moved by Meyer, seconded by Ross, to accept the 2020-2021 Audited Financial Statements as presented. Unanimously carried.

AUTHORIZE INVOICE PAYMENTS

Without objection, the Mayor authorized the payment of invoices for February 2022 in the amount of \$4,525,118.40 on behalf of the Council. Unanimously carried.

CORRESPONDENCE

1. City Manager – Monthly Report.
2. City Manager – Known Related Parties Annual Report.
3. City Attorney – Attorney General Opinion on the Open Meetings Act and virtual meetings under the Americans with Disabilities Act.
4. Sister City Reappointment Application – Yvonne Frysh.
5. MLCC – Conditional License Transfer for DaVinci's.

The Mayor requested that the receipt of correspondence be noted.

MINUTES

1. EDC Board – February 17, 2022.
2. Parks & Recreation Commission – January 26, 2022.
3. Sister City Committee – February 15, 2022.

QUARTERLY REVIEW OF THE ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER

City Manager Smith requested that Council go into closed session to provide a quarterly review of her annual performance evaluation.

Moved by Meyer, seconded by Ross, to enter into closed session at 7:55 P.M. to review the evaluation of the City Manager. Unanimously carried.

The Mayor requested that only the City Manager stay for this portion of the meeting.

Being that the closed session of the meeting was completed, the Mayor reconvened the public meeting at 9:14 P.M.

It was noted that only the City Manager and Council were in attendance for the remaining open session portion of the meeting and that no one else was present.

ADJOURNMENT

There being no further comments or business, the meeting was adjourned at 9:15 P.M.

Phillip W. Kerns
City Clerk