

**FRANKENMUTH CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, February 5, 2019
7:00 P.M.**

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

ABSENT: None.

PUBLIC COMMENTS

The Mayor recognized the following persons who requested to address the Council:

Mike Fassezke, Star of the West Milling Company – As President of the Flour Mill Division, he advised of a recent flour spill on their mill site in the early morning hours of January 31, 2019. Wheat flour, which is generally regarded as safe, was released into the air due to an overhead pipe rupture caused by the extreme cold conditions we experienced during that week. High winds from the southwest spread the large quantity of flour onto the ground and into the adjoining residential neighborhood to the north and east. Star has hired clean-up contractors and began operations starting at the spill site and are working outward into the affected neighborhood. They have been a neighbor since 1910 and apologize for the inconvenience caused and promise a thorough and complete clean-up. As a result of the incident, they are changing some of their procedures to make sure this doesn't happen again. He advised that they will provide updates to neighbors by email, posted on their website, or telephone if need be.

Gail Burris, 190 Parker Street – Stated that she understands it was an accident, but was not informed of the incident in a timely manner. Their boots have been covered in flour and they have small dough balls in their yard. She called the police on Sunday morning to report the incident because it was unknown to them as to what happened to their home and yard. She advised that Star employee Patrick [Nellenbach] assisted them with their issues on Sunday. She further advised that Nellenbach had stated that he observed flour dust on their trash bags near the street, but didn't see other evidence in their yard until he contacted the Burrises on Sunday. She stated that because their home is older, it is not as air tight and that flour dust is inside their home, and it needs to be cleaned.

Patrick Burris, 190 Parker Street – Questioned why the spilled flour couldn't have been remediated sooner. He goes home to flour dust and should have been notified of the incident sooner. It is simply unreal. How would it have been handled if it had been something more serious. He is concerned about health issues and mold therefrom.

Mayor – Asked how can the issue be resolved?

Burris – Waiting for paperwork and documentation of the incident.

City Manager Smith – The Michigan Department of Environmental Quality (MDEQ) was notified of the incident over the weekend. The City was also notified Thursday morning and Star took precautions to protect the affected storm water catch basins and drainage system.

Burris – Advised that Star should have reported the matter to the MDEQ for it is a large pollution incident.

Smith – It was her understanding that MDEQ was in Frankenmuth today and it is both the City's and Star's desire to work with the neighbors. She advised that the MDEQ did not meet with the City on the matter.

Mayor – Offered that the City can assist in facilitating meetings between the neighbors and Star officials.

Burris – Stated that he believes that everyone is acting in good faith.

Julie Leach, 176 Parker Street – Was concerned that there was no notification or information shared with the neighbors. No communication. She advised that her children and pets were playing in it and two of her children were diagnosed with bronchitis on Thursday. Had she known, they would not have been allowed to play in the yard.

Karen Munson, 203 S. Haas Street – Star has since been forthcoming, but flour is in her car's vents and on her porch. She cited the need for Star to have an emergency response plan for such incidents that includes notification. It has been stressful and the flour has invaded her living space. She requested answers as to what will be cleaned by Star.

Ryan Ehart, 165 Parker Street – They have a two-year-old and want to know if their child will have any health effects from this? It's everywhere in their neighborhood and wanted to know the plan?

Steve Bronner, 249 S. Haas Street – Cited the recent emergency alert system used by Consumers Energy for the natural gas issue. Perhaps a text alert or email is what Star should do to notify the neighbors. A communication plan would have minimized the problem.

Patty Keinath, 195 S. Haas Street – Stated their needs to be a better communication system and that clean-up will certainly be labor intensive.

John Leach, 176 Parker Street – Questioned what is the next best step. How does communication gap get bridged? He also thanked City Council for their assistance.

Mayor – Advised that a plan will be put together.

There were no further public comments.

APPROVAL OF AGENDA

Moved by Reindel, seconded by Meyer, to approve the agenda as reviewed by the Mayor.
Unanimously carried.

APPROVAL OF MINUTES

Moved by Schmitzer, seconded by Schoenow, to approve the minutes from the work session and regular meetings held on January 8, 2019. Unanimously carried.

APPOINTMENTS TO BOARDS, COMMISSIONS & COMMITTEES

Planning Commission

Moved by Schoenow, seconded by Meyer, to appoint Clare Nuechterlein to the Planning Commission, term expiring December 31, 2020. Unanimously carried.

It was noted that this is the vacant term created by David Geiger who resigned last month.

Economic Development Corporation Board

Moved by Reindel, seconded by Meyer, to appoint Vickie Schmitzer as an at-large member on the Economic Development Corporation Board, term expiring on December 31, 2021. Unanimously carried. Schmitzer abstained.

It was noted that Beth Reindel is the Council representative.

MONTHLY REPORTS

Police Chief Mawer submitted his monthly department activities report for December and 2018. Fire Chief Kerns presented the fire department's January monthly report and 2018 annual report, and Treasurer Deterding reviewed the January financial report and quarterly revenue consolidation report. City Clerk Kerns reviewed the construction code activity for the month of January.

Moved by Meyer, seconded by Schoenow, to accept the Police, Fire, Treasurer's and Construction Codes monthly reports as submitted. Unanimously carried.

Consent Agenda

RESOLUTION NOS. 2019-12 TO 2019-17 - APPROVE CONSENT AGENDA ITEMS

Moved by Meyer, seconded by Schmitzer, to adopt Resolution No. 2019-12 approving the Powerman Duathlon Event on Sunday, May 5, 2019 with listed conditions; to adopt Resolution No. 2019-13 approving the Tri Bavaria Triathlon Events on Sunday, August 4, 2019 with listed conditions; to adopt Resolution No. 2019-14 approving the following outdoor activities of the Frankenmuth Historical Association: Demonstration Days weekends from April through October 2019 and the annual Craft Fairs; to adopt Resolution No. 2019-15 approving a request from the National Multiple Sclerosis Society – Michigan Chapter to conduct a fundraising walk on Saturday, May 11, 2019; to adopt Resolution No. 2019-16 approving dates for the 2019 Chamber of Commerce sidewalk sales request that coincides with major festivals and events; and to adopt Resolution No. 2019-17 approving a noise control time limit exception for 18 festivals and events in 2019. Unanimously carried.

Unfinished Business - None

New Business

RESOLUTION NO. 2019-18 APPROVING THE 2019-2024 CAPITAL IMPROVEMENTS PLAN

The Mayor advised of the proposed Capital Improvements Plan through 2024 as recommended by the Planning Commission and City staff.

Discussion took place on the plan being a constantly changing document, subject to adjustment as a result of costs, affordability and priorities.

Moved by Schmitzer, seconded by Schoenow, to adopt Resolution No. 2019-18 approving the 2019-2024 Capital Improvements Plan as recommended by the Planning Commission.
Unanimously carried.

INTRODUCTION OF AN ORDINANCE TO ESTABLISH CHAPTER 80 IN THE FRANKENMUTH CITY CODE PERTAINING TO PROHIBITING THE ESTABLISHMENT OF COMMERCIAL MARIJUANA FACILITIES

City Manager Smith advised that as a result of the recent ballot initiative legalizing marijuana, City Council is taking the stance to opt out of allowing commercial marijuana facilities to locate within its political jurisdiction.

Discussion took place on the potential for a citizen referendum calling the matter to a local vote, and the legal limits on the quantity of marijuana one could have in their possession.

Moved by Schoenow, seconded by Ross, to introduce an ordinance to establish Chapter 80 of the City Code pertaining to prohibiting the establishment of Commercial Marijuana Facilities within the city of Frankenmuth and to schedule a public hearing for Tuesday, March 5, 2019 at 7:00 P.M.
Unanimously carried.

INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 51 IN THE FRANKENMUTH CITY CODE PERTAINING TO BEDS AND BREAKFAST AND VACATION HOME RENTALS

City Manager Smith presented a proposed amendment to the Zoning Code, Chapter 51 of the Frankenmuth City Code. The purpose of the amendment is to update certain sections in the Code pertaining to Beds and Breakfast and Vacation Home Rentals which has been in effect for several years. This proposed ordinance amendment would revise definitions and regulations for both Beds and Breakfast and short-term rental uses so that they are better aligned and more comprehensive.

Moved by Ross, seconded by Meyer, to introduce an ordinance amendment to the Zoning Code, Chapter 51 of the City Code, and to schedule a public hearing for Tuesday, March 5, 2019 at 7:00 P.M. Unanimously carried.

RESOLUTION NO. 2019-19 - APPROVE LEASE EXTENSION OF CITY OWNED PROPERTY ON REIMER ROAD FOR CABLE TELEVISION HEAD END & TOWER SITE

City Manager Smith advised that because the current lease for the cable television head end and tower site in the 5900 block of S. Reimer Road is about to expire, a new lease has been negotiated for a three-year period. She further reviewed the negotiated lease amounts and periods thereof.

Moved by Meyer, seconded by Schoenow, to adopt a Resolution No. 2019-19 approving a three-year lease of land in the 5900 block of S. Reimer Road for a cable television head end and tower site to CC VIII Operating, LLC of Greenwood Village, CO. Unanimously carried.

RESOLUTION NUMBER 2019-20 - ADOPT A RESOLUTION APPROVING A CABLE TELEVISION FRANCHISE FOR CHARTER COMMUNICATIONS

City Manager Smith advised that the City's Cable Television Franchise with Charter Communications will soon expire. The current franchise was approved in 2009. She advised that new State law requires action within 30 days from receipt of the cable provider requesting to renew their franchise and the 30-day deadline is fast approaching. In summary, Charter has agreed to include a 5% franchise fee in the new franchise.

Moved by Schoenow, seconded by Meyer, to adopt Resolution No. 2019-20 approving a ten-year Cable Television Franchise with Charter Communications with the understanding that the franchise fee only be applied to cable television services. Unanimously carried.

RESOLUTION NO. 2019-21 - AMEND THE BY-LAWS OF THE FRANKENMUTH DOWNTOWN DEVELOPMENT AUTHORITY

City Manager Smith advised that revisions to the Downtown Development Authority's By-laws have been recommended by the DDA Board in order to recognize the appointment of an ex officio advisor position on the DDA Board as well as some other housekeeping items.

Moved by Schmitzer, seconded by Reindel, to adopt Resolution No. 2019-21 amending the DDA By-Laws. Unanimously carried.

Item(s) Removed From the Consent Agenda - None

AUTHORIZE INVOICE PAYMENTS

Moved by Schmitzer, seconded by Meyer, to authorize invoice payment for January 2019 in the amount of \$1,365,041.78. Unanimously carried.

CORRESPONDENCE

1. City Manager – Monthly Report.
2. Saginaw County 911 – 2018 Annual Report.

3. Charter Communications – Programming Change.
4. MI Department of Environmental Quality – Potential Changes to Lead & Copper Monitoring Requirements.
5. Yvonne Frysh – Sister City Committee Reappointment Questionnaire.
6. Update City Council Appointments Spreadsheet.
7. City Clerk - Draft of Annual Known Related Parties Report & Memo.

MINUTES

1. Downtown Development Authority Board – January 15, 2019.
2. Economic Development Corporation Board – January 17, 2019.
3. Parks & Recreation Commission – January 23, 2019.
4. Planning Commission – January 22, 2019.
5. Sister City Committee – January 15, 2019.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:17 P.M.

Phillip Kerns
City Clerk