

**NOVEMBER 11, 2014  
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY NOVEMBER 11, 2014

**CALL TO ORDER**

Mayor Grunch called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Grunch, Commissioners Commissioner Gaylord, Laura Sansom and Tom Neidhamer

Absent: Mayor Pro-Tem Towne

Staff: Cindy Grice, Michael Cain, Dan Meads, Andy Kovolski, Barb Brooks, John Lamont and Jeff Gaither

Others: There were 20 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**Excuse Mayor Pro-Tem  
Towne from Today's  
meeting**

2014-11-160  
Moved by Grunch  
Second by Gaylord

To excuse Mayor Pro-Tem Towne from attending tonight's meeting

Ayes: 4  
Nays: 0  
Absent: 1, Mayor Pro-Tem Towne  
Motion carried

**CONSENT AGENDA  
MOTION**

2014-11-161  
Moved by Neidhamer  
Second by Gaylord

To approve the October 28, 2014 City Regular City Commission meeting minutes as presented

Ayes: 4  
Nays: 0  
Absent: 1, Mayor Pro-Tem Towne  
Motion carried

**CITIZENS COMMENTS**

Kevin Klevorn said he is working with the City on the easement to address the water issue. Parkview has met with the Federal Government regarding this.

**CORRESPONDENCE**

None

**2014 Broadband Hero  
Award**

Mayor Grunch presented the Connect Michigan 2014 Broadband Hero Award to Chris Christensen. Chris has propelled his vision forward by working with many local units of government, the local school district, public libraries, economic developers, the local hospital and medical facilities, the County and its many departments and boards including emergency services, Merit Network and many local internet providers. His participation and facilitation has led to increased understanding and

awareness of high speed internet connectivity, capacity and needs in Charlevoix County.

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City Manager Cain reported:

- No significant Devils night or Halloween issues were reported this year.
- The three new computers for City Hall were installed last week and the old ones are being prepared for reuse in other less computer demanding offices.
- The new roof at the Airport Terminal was installed.
- The new trees were planted around the City starting yesterday.
- Work on the Division Street water issue continues. Easement language is being prepared for Parkview Apartment storm water drain line. We will be sending our Vactor out to verify the existing Parkview Line's depth.
- Chief Gaither displayed the new patch design for the Police Department's uniforms. These were developed by the department and will replace the old ones we are currently out of. Total installed cost is estimated to be less than \$500 and funds are available.

**CITY MANAGERS REPORT**

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Draft Minutes of the October 2, 2014 Main Street Board Meeting; the October 2, 2014 Parks and Recreation Board Meeting; the October 7, 2014 Zoning Board of Appeals Meetings; the October 20, 2014 Planning Commission Meeting; the October 21, 2014 Historical Commission Meeting and the October 23, 2014 Airport Board Meeting were received and filed.

**REPORTS OF OFFICERS,  
BOARDS AND STANDING  
COMMITTEES**

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City Manager said the election was held in regards to the fluoride issue. The results were not that much different than the election held in 1973. We have been notified by the County Clerk the election has been certified by the Board of Canvassers. We are publishing the new ordinance as approved by the voters as consistent with the City Charter. The fluoride has been ordered and delivered. Unless something changes, we can flip the switch and have the fluoride ready to go. We are following the guidelines set by the City Charter to resume fluoridation on Wednesday November 19. A request was made by Commissioner Gaylord to place this on today's agenda to discuss regarding certification levels of certain fluoride products.

**Fluoride Update**

Citizens Comments: Richard Fish said six months ago, against overwhelming opposition, three Commissioners voted to remove fluoride from the City's water. We came to two Commission meetings and pled to have it reinstated. Over 700 signatures were obtained in 14 days to place the issue on the ballot. The results overwhelming supported over 2 to 1 to reinstate fluoride. We've done this route. We've done what you've asked us to do. The Committee is still in existence and will take immediate action if anyone tries to delay or postpone the addition of fluoride to water, this committee will take action. You need to get on with what the City Commission. The democratic process did work.

Ward Collins said he worked on the petitions. He obtained over 70 signatures in his neighborhood and two people declined to sign the petition. What the petition doesn't say are the comments he heard like what was the City Commission thinking to reverse the vote of the people.

There are a lot of people that are very nervous that the City Commission can frustrate what the voters can do.

Michael Buttigieg provided the Commissioner with information regarding artificial fluoridation. He is hoping that this Commission will look at what form of pollution they will be adding to the City's water supply. When hydrofluorossilic acid which is a waste product of fertilizer production, is mixed with water, it becomes a low dose of a neuro toxic cocktail. The practice of artificial fluoridation is the height of arrogance. He said he believes the information was incomplete and misleading and that the people of this community have been misled on the hydrofluorossilic acid that it is safe for children and our ecosystem. There are traces of lead, barium, mercury and also studies have found arsenic that mix up this cocktail that is being discussed. These are accumulative toxins that infiltrate our bodies and do not go away and can create known diseases. Add this to other sources of pollution, this is not a good thing. He questions the need to pollute our drinking water. He implores this commission to look at all the facts before adding this form of pollution to the water supply.

Dan Meads said the voters approved the measure to reinstitute fluoride to the water system. We have installed and set up the equipment, ordered the chemicals and it's ready to be reintroduced. The chemicals have to be NSF approved. We can look at other chemicals, but need to look at space needs, efficiency and they have to be NSF approved. What we are using meets every standard set by the EPA and the state and is tested for safety in public drinking water.

Leslie Nielsen said with her science background and degree in microbiology, she started and was able to do research on this. She was under the assumption that pharmaceutical grade fluoride was being added to the system, all over the United States. She just thought it was good for her teeth. She was happy when it was removed and started to do her research. 95 percent of the US uses this toxic waste product but because it can be used, it's called a by-product. She was surprised the EPA does not do their own analysis. 50% of all the waste by product of the fertilizer industry does contain arsenic. They do build up in our systems. The flyer sent out said vote yes for fluoride. IT doesn't say vote yes for fluoride, arsenic. All of our dentists and doctors will agree it is better when used topically. We're raised to think fluoride is for our teeth. It's not, it affects our soft tissue and our bones. When it is taken systemically, it is highly electro negative. It competes with iodine. It affects our thyroid. All of these issues were brought up to the Citizens for United Dental Health who asked for irrefutable proof. She added that she has a 7 year old and an 11 year old and holds every single member of Citizens for United Dental Health responsible and feels they are in the process of murdering her children. She holds each one of the doctors on the flyer responsible too. This is medication into her children's water. If people have health issues or concerns, the City needs to supply reverse osmosis systems or whole house filter systems for them. We pay for clean water. She added that she takes this very seriously and hopes you do too.

Mitchell Heick said he doesn't drink fluoridated water and he knows

people voted on this. It's a big issue and he doesn't know why people aren't questioning this. We had the debate, with Dr. Connett and David Firestein. He said he doesn't see why people are so upset that people are questioning this. The Fluoride debate is on youtube. Tons of people are against adding fluoride that showed up. No one from the medical community in our town showed up. He really wishes they did. If it's that important they should have been involved.

Dan Meads said regarding the safety of our water system, our water is tested for over 170 different contaminants. It's tested on a regular basis and in no area are we above any action needed and that's with fluoride in the water. It's not contaminated and it's not a health hazard.

Brian Thurston from the MDEQ mentioned the NSF standard 60 approval process. The chemicals are third party tested, every batch. It is a by product of another process, by that product must be tested. Anything could have a trace element. It is a mineral. It's not pure fluoride. It's a concentrated form of fluoride that will be diluted to 1 – 49,500 parts. We do take the complete tests. We do have a little bit of naturally occurring arsenic. All testing is done after chemicals are added.

Board Discussion: Commissioner Gaylord said he appreciates the comments from everyone. It's still contentious but the voters have spoken. He doesn't recall anyone on this commission saying they're going to interfere with the addition of fluoride. Mr Vandomelen's earlier comment was that we're not saying what kind of fluoride was going to be added to the system. He's not sure where the drama came from in that perspective. We're going to look at the equipment and investment there. The discussion will not be that they're going to interfere in any way, but we're definitely going to look at equipment. The City Manager said new lab testing equipment was acquired. Why not before and why do we need it now. Is this to replace or bring up the equipment? Voters have spoken, but we're going to insure the product we put in has the least impurities and the least potential upon what's required. Wording drafted on the ordinance didn't say what was put in, just put it back in to a certain level. The overall testing is fine but he thinks we need to do more overall to make sure what we put in is the best we can to make to limit impurities beyond actual fluoride. There are other forms, one of which is NAF (sodium fluoride) and he thinks we strongly need to look at that. He's fully prepared to spend whatever it takes to make sure to the citizens, those almost 400 that didn't want it back in the water system to make sure there are minimal impurities that we can legally do. There is no such thing as interfering in any way shape or form. We have time to look at actual product, equipment and testing up until that point.

Dan Meads said there is no new equipment needed to be purchased. It is more difficult to turn it on correctly than turn it off. They had to look at lab equipment, check calibration and probes. Had to order a new probe and scale. Brian Thurston said if you go to NAF, it's a concern for the operator. In that form, it's much more risky. In powder form, there are inhalation risks, dust on clothing risks. Dan added that we do not have the room and ventilation for that system.

Commissioner Neidhamer said from day one, he said let's trust the experts. He asked Dan and Brian if we are delivering the safest product

in the safest manner? Dan said the chemical we've been using is the most cost effect and meet every state requirement. Brian says he looks at safety as a whole operation and thinks hydrofluorisilic acid is the best process to use for small communities. Its' safer. He also discussed the mining process and the sidestreaming process of obtaining the product. Each batch of fluoride is tested and certified. Dan said we buy it in small batches. We may have barrels from two to three different lots. Each lot has to be certified.

Commissioner Neidhamer said he trusts the experts. We will implement this in the safest process as the voters stated.

Commissioner Sansom inquired the age of the existing equipment. Dan said we budget \$15,000 every year for equipment maintenance. Commissioner Sansom said everyone here knows she's opposed to fluoride in the water. She would like to see the voters get what they voted for. Fluoride, not hydrofluorisilic acid. You might say they're safe levels. The accumulations of lead, mercury and arsenic do build up. They may be safe levels now, but that might not be true down the road. We should get pharmaceutical fluoride. Let's honor what they voted for. We need to work that out. The public have been misled in the past. It's misleading and deceiving to the public. She added that she understands the vote is the vote but let's provide the voters what they voted for.

Commissioner Gaylord said is hydrofluorisilic acid the very safest product for consumption. The citizens voted for fluoride, that's it. Nothing else. It doesn't sound like hydrofluorisilic acid fits into that.

Mayor Grunch said he trusts the expert and the doctors.

City Manager Cain said he looks at the goals the Commission adopted and is trying to figure out where this fits in. He thinks we have an informed electorate. They heard all about hydrofluorisilic acid. He added he thinks this is a distraction from business in this community and not consistent with our goals. Everyone had the opportunity to educate themselves on this issue. Keep this all in perspective and not further divide this community. There are talks of all sorts of things that could tear this community apart. As your public professional, he doesn't recommend that. The process has been safe and effective for the last 41 years. Staff here wants to run safe and efficient government. We have lots of other goals. Science has demonstrated we are all well above standards. He recommends staff be allowed to proceed as the informed public voted upon.

Commissioner Gaylord said his initial question was the process the cities of Ann Arbor and Kalamazoo use for their analysis of accepted levels. Brian Thurston provided further information.

## Brief Recess

### **MOTION**

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2014-11-161

Moved by Grunch

Second by Neidhamer

To take a brief recess at 8:42 p.m.

Ayes: 4  
 Nays: 0  
 Absent: 1, Mayor Pro-Tem Towne  
 Motion carried

**Reconvene**  
**MOTION**

2014-11-162  
 Moved by Grunch  
 Second by Gaylord

To reconvene at 8:52 p.m.

Ayes: 4  
 Nays: 0  
 Absent: 1, Mayor Pro-Tem Towne  
 Motion carried

**Lower Lake Outfall**

Consideration of options to proceed with the Lower Lake Street storm outfall.

Public Works Superintendent Andy Kovolski discussed that we have been working with C2AE and the MDEQ to find a solution to the erosion problems at the Lower Lake Storm Outfall. The City Commission previously approved two options we felt would help the erosion situation including installation of a new outfall pipe, headwall and rip rap stone, install a drop manhole to dissipate flow energy, and combine the two existing outfalls into one 36 inch pipe. The only difference between the two proposals was the length of the pipe extension added and the amount of rip rap stone required. Since that time, C2AE has submitted an application and plans to the DEQ for the required permits. The DEQ would still rather see a solution with minimal piping extension and rip rap stone used, but are now requesting we use an elliptical pipe to help lower the exposed area of the pipe, eliminate covering the pipe with sand and vegetation and keep the rip rap stone from going past the current water edge.

Citizens Comments: None

Staff Comments: None

Board Discussion: All are in agreement to accept the MDEQ's recommendations.

**MOTION**

2014-11-163  
 Moved by Neidhamer  
 Second by Gaylord

To proceed with the Lower Lake Storm outfall as required in detail by the MDEQ

Ayes: 4  
 Nays: 0  
 Absent: 1, Mayor Pro-Tem Towne  
 Motion carried

**Marina Permit**

Consideration to approve the Boyne City Marina Renovation Proffered Permit from the USACE as presented and authorize the City Manager to sign and submit the documents for signature.

Harbormaster Barb Brooks provided a copy of correspondence and a permit for signature form the US Depart Army Corps of Engineers (USACE). This is the last required document to secure a permit for a marina renovation and / or expansion. The project description mirrors those of the signed and accepted MDEQ permit. Unlike the MDEQ permit which is good for five years, the USACE permit is good for three years with an opportunity for an extension upon request. During the three year life of the permit, the City can choose to build some or none of the project. The permit does not commit the City to move forward with the project. Minor modifications may be requested to this permit during design and/or construction at no cost and taken care of administratively by the MDEQ and Corp. Major modifications will require re-noticing, public comment period or require a new permit application be filed at the regular filing fee costs. When and if the City decides it is ready to expand and/or renovate all or portions of the current marina and proposed expansion, the permit is in place and the outlined project would not be held up by the permitting process. It will also look favorable when talking to grant funding agencies to show we have a permitted project.

Citizens Comments: none

Staff Comments: None

Board Discussion: Commissioner Neidhamer said this is housekeeping and not committing to anything except process. Commissioner Gaylord said he is going to remain consistent. The window was tightened up by two more years, too much of a conflict and can't support with the other projects. Commissioner Sansom said she is in support. We might be able to get an extension. Mayor Grunch said he also supports. It's what people asked us to do.

2014-11-164

Moved by Neidhamer

Second by Sansom

**MOTION**

To approve the Boyne City Marina Renovation Proffered Permit from the USACE as presented and authorize the City Manager to sign and submit the documents for signature

Ayes: 3

Nays: 1, Commissioner Gaylord

Absent: 1, Mayor Pro-Tem Towne

Motion carried

**Michigan Main Street Agreement**

Consideration to approve the proposed Michigan Main Street agreement and authorize the City Manager to sign it.

City Manager Cain presented the Michigan Main Street Agreement with the Michigan Main Street program. Part of being in that program and receiving benefits from it is the execution of an agreement with them every few years that outlines the rights and responsibilities of each party. We last executed an agreement similar to this one in 2012. The proposed

Agreement has been compared word for word with the expiring agreement and no changes of any substance have been noted. The Main Street Board unanimously approved this by all members present and recommended to the City Commission for its consideration and approval. City Manager Cain added that he believes our Main Street program has been a true asset for Boyne City and our continued participation will further benefit us.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement and in full support.

2014-11-165

Moved by Neidhamer

Second by Sansom

**MOTION**

To approve the proposed Michigan Main Street agreement and authorize the City Manager to sign it.

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Towne

Motion carried

### Placemaking Grant

Consideration to approve to continue with the PlacePlans application process and authorize the Mayor, City Manager and City Clerk / Treasurer to submit the necessary documents to complete the full application process.

City Manager Cain discussed the notification the City received from Dan Leonard of the MEDC on October 29 that letters of interest were being accepted for the latest round of the PlacePlan services grant program. We have applied unsuccessfully for these services twice before, once in conjunction with our City Facilities planning efforts and the other for similar efforts revolving around Sunset Park. Through the PlacePlans program, selected communities receive extensive community based planning services focused on transforming a specific area. Mr. Leonard met with City staff and several interested residents to consider of the City could put together a complete application and if so, for what area. We did so for linking the waterfront areas of and between Peninsula Beach Park and Veteran's Park, south of State Street. The City Commission was advised prior to our submittal of the application requirements and of staff's plan to submit a letter of intent to keep our options opened. The City Commission may further recall that the two previous PlacePlan applications were very short, although nowhere near this short. The Main Street board is supporting of the project including providing part of the match. Final applications will be due on or about December 5<sup>th</sup> from those communities selected to continue.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Sansom asked if this was just for planning? Yes. She said she has heard concerns about over developing the park. City Manager Cain said it is important to get community input. This is for people to come and facilitate ideas. Commissioner Gaylord said once again, back to entertaining ideas for outside groups to bring us together and facilitate us. We have enough good input including the citizens who live here. Seems like too many strings they want us to commit to. As for what they want to do with the area, the Citizens can come up with ideas.

City Manager Cain said we have more grant opportunities if we go through this process. We may have better chances. This is a tool to be the best we want it to be, not because we're incapable, but to enhance our decision making.

Commissioner Neidhamer commends staff to be able to jump on the opportunity quickly. Playing the game has gotten us ahead. He agrees with the recommendation. Mayor Grunch agrees it is win-win.

**MOTION**

2014-11-166  
 Moved by Neidhamer  
 Second by Sansom

To approve to continue with the PlacePlans applications process and authorize the Mayor, City Manager and City Clerk / Treasurer to submit the necessary documents to complete the full application process.

Ayes: 4  
 Nays: 0  
 Absent: 1, Mayor Pro-Tem Towne  
 Motion carried

**Good of the Order**

Commissioner Neidhamer said Mike and staff have their plates full with good stuff.

**Closed Session****MOTION**

2014-11-166  
 Moved by Grunch  
 Second by Gaylord

To approve the request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 9:34 p.m.

Ayes: 4  
 Nays: 0  
 Absent: 1, Mayor Pro-Tem Towne  
 Motion carried

**Return to Open Session****MOTION**

2014-11-167  
 Moved by Grunch  
 Second by Sansom

**MOTION**

To return to open session at 10:51 p.m.

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Towne

Motion carried

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City Manager Cain discussed the recent Metro Act agreement signed with ACD. There might be some merit to get legal assistance for guidance where to place these cell antennas on road right of ways. Poles are now turning out to be antennae. We will need additional expertise and he is recommending we engage a firm to provide legal council on this matter.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer said it is a delicate balance of expanding broadband while protecting our streets. He is in favor of getting legal assistance. Commissioner Gaylord said like any technology, we need further research on design or locations. What options do we have. These are potentially towers, not invisible. We have to balance this. We just spent money to get rid of poles on a street project. He would like to obtain necessary, specialized legal entity for options. Commissioner Sansom said she also agrees to get legal assistance. We have worked hard to clean up our landscape. Mayor Grunch said we need to protect our right of ways.

**MOTION**

2014-11-168

Moved by Gaylord

Second by Sansom

To direct the City Manager to obtain specialized legal council for direction and the best way to proceed with the matter of small towers and antennas in City right of ways.

Ayes: 4

Nays: 0

Absent: 1, Mayor Pro-Tem Towne

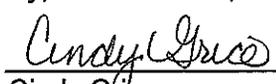
Motion carried

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Moved by Mayor Grunch, seconded by Commissioner adjourn the regular City Commission meeting of Tuesday, November 11, 2014 at 11:05 p.m.

**ADJOURNMENT****MOTION**

  
 Ron Grunch  
 Mayor

  
 Cindy Grace  
 Clerk / Treasurer