



**BOYNE CITY  
CITY COMMISSION SPECIAL MEETING  
Boyne City Hall  
319 North Lake Street  
Tuesday, March 1, 2016 at Noon**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA  
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
  - A. Approval of the February 23, 2016 City Commission regular meeting minutes as presented
  - B. Approval to reappoint Oral Sutliff to the Board of Review for a three year term expiring January, 2019
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
8. OLD BUSINESS
9. NEW BUSINESS
  - A. Asbestos Abatement Bid  
Consideration of bids received February 29, 2016
  - B. House Bill 5232 /Senate Bill 720 Letter of Opposition  
Consideration approve a letter of opposition to House Bill 5232 and Senate Bill 720 and authorize its submittal to State House and Senate Representatives
  - C. Request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976)
10. GOOD OF THE ORDER

## 11. ANNOUNCEMENTS

- City offices will be open on Saturday, March 5, 2016 from 9:00 a.m. to 2:00 p.m. for the purpose of issuing and receiving Absentee Ballots for the March 8, 2016 Presidential Primary Election.
- The Presidential Primary will be held on Tuesday March 8, 2016. Polls will be open from 7:00 a.m. until 8:00 p.m.
- The next regular City Commission meeting is scheduled for Tuesday, March 15, 2016 at 7:00 p.m.

## 12. ADJOURNMENT

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*



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agenda packets & minutes for each board

**FEBRUARY 23, 2016  
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 FEBRUARY 23, 2016

**CALL TO ORDER**

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

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Gene Towne, Commissioners Ron Grunch, Laura Sansom and Hugh Conklin

Absent: None

Staff: Cindy Grice, Michael Cain, Barb Brooks, Lori Meeder, Scott McPherson, Andy Kovolski, Mark Fowler and Kevin Spate

Others: There was 6 citizens in attendance including a representative from the Petoskey News Review

**CONSENT AGENDA  
MOTION**

2016-02-023

Moved by Conklin  
Second by Grunch

2016-02-023A

Approval of the February 9, 2016 City Commission regular meeting minutes as presented

2016-02-023B

Approval to appoint Jerry Kragenbrink to the Boyne City Historical District Commission for a three year term expiring November 30, 2019

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**CITIZENS COMMENTS**

Adam Kennedy, representing the Friends of the Boyne River discussed the mission of their organization to improve and conserve the Boyne River and its watershed. Line 5, a pair of oil lines owned by Enbridge is a 63 year old pipeline that runs under the straits of Mackinaw. The line was not designed to carry what it is currently carrying. Mr. Kennedy discussed Enbridges track record and is extremely concerned about the pipeline and the possibility of a leak. If there was an oil leak, a 2014 University of Michigan study shows the straits area would be the worst place to have a leak. The risk of line 5 failure would be too great. Tourism and jobs would also be affected along with the environment. According to many experts, it's not a matter of if, rather it's a matter of when. He is asking for a resolution to be passed for local government to support shutting down line 5.

Sheri Rhoads presented information to the Commissioners regarding Line 5.

There was a consensus among the Commissioners to bring this matter to the next agenda or as soon as possible, to a future commission meeting.

**ORRESPONDENCE**

None

**CITY MANAGERS REPORT**


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City Manager Cain reported:

- Six bids for the new City Facilities project were received and opened on February 12. City Staff will be working with our architect and reviewing the bid of the low bidder, Hallmark Construction, the same firm that built our new DPW facility and are working to finalize an overall project budget to insure it will meet the scope approved by the voters while remaining within the financial ability of the City.
- We are currently preparing for information with our bond rating agency for the upcoming \$7 million dollar bond sale that will finance the major portion of the new City Facilities project
- The Police and DPW personnel have made great progress towards preparing a portion of the old DPW building to serve as temporary Police Department offices. All involved deserve a lot of credit.
- The lease agreement with Honeywell for our temporary City Hall space has been finalized.
- The MDEQ stopped by and performed an unannounced inspection of our Wastewater Treatment plant this morning and all indications are that the plant passed with flying colors.
- Water / Wastewater personnel have been cleaning and painting key parts of the water system, including well houses 2, 3, 4 and the Hawkridge booster station
- Absentee ballots are available for the March 8, 2016 Presidential Primary. City Hall will be open to distribute and received absentee ballots on Saturday March 5, 2016 from 9 a.m. to 2 p.m.
- The new website for Boyne Thunder is now up and running using a new and improved event program called EventBrite which has been added to the site. This should make registration, reporting and information gathering much more streamlined. Sponsorships appear to be even stronger this year than last with many new sponsors signed up.

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

**Water System Consumer  
Confidence Update / Lead  
Information**

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The January, 2016 Financial Statement was received and filed.

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Update from Water / Wastewater Superintendent Mark Fowler regarding Water System Consumer Confidence Report and lead testing

Water / Wastewater Superintendent Mark Fowler provided 2014 and 2015 Water Quality Reports for the City Commissioners. Mark also discussed the sampling the City takes for lead and copper. We are required by the State of Michigan to take 20 samples based on our size. The sample sites were identified years ago and we are required to sample the same location every time unless we are unable to do so for some reason. A map of the sample sites was provided.

The results of the samples for lead and copper are as follows: 12 samples were non-detect, four samples were two parts per billion (ppb), three samples were 3 ppb and one was at 8 ppb. The samples are collected by the homeowner who is notified of their individual results. The results are sent to the MDEQ and they calculate the 90<sup>th</sup> percentile and send it back to us. That is the number that is put on the Annual Consumer Confidence Report. This year's number is 3 ppb. The action level is 15 ppb.

The limit of detection for the equipment used to measure lead is 2 ppb. So when a result is listed as non-detect, it means it is less than 2 ppb not necessarily 0.

Well # 2 was tested for lead in 2014 and it was non-detect. Wells 4 and 5 were tested in 2012 and they were non-detect. The source water is not showing any evidence of lead. The City also has what is considered hard to very hard water coming from the wells. The hard water also helps to coat the inside of the pipes so we don't have metals leaching into the water. The softer the water, the more leaching occurs.

Staff Comments: None

Citizens Comments: April Reycraft said she appreciates this information presented. It is good to know 80% of our pipes are in good shape. She is hoping the Commission can look at some sort of plan to replace the existing goosenecks. She added that the City's putting out a good product to the taps.

Board Discussion: Mayor Pro-Tem Towne suggested more frequent samples and was informed we may add a few more locations next time. Commissioner Grunch asked if we have any of the goosenecks and was informed, yes, some older parts of town may have them. Commissioner Sansom said it seems the 20 samples were unbalanced on the south side of town. She also asked what nearby communities are testing at and was provided with available numbers. Commissioner Conklin said he appreciated this information. He added there are local stores that sell lead testing kits. He has learned a lot about our water system and it is in good hands. Mayor Neidhamer said he appreciates the professionalism in the department.

### **Asbestos Abatement Bid Schedule**

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Consideration to schedule a Special Meeting for Tuesday, March 1, 2016 at noon to consider the awarding of the Asbestos Abatement Bids and authorize the City Manager and City Clerk / Treasurer to publish and sign the required notice

Public Works Superintendent Andy Kovolski has requested that since asbestos abatement bids are due and will be opened on February 29, 2016 that a special City Commission be scheduled in order to award the bid for asbestos abatement and removal

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the request

### **MOTION**

2016-02-024

Moved by Sansom

Second by Towne

To schedule a Special Meeting for Tuesday, March 1, 2016 at noon to consider the awarding of the Asbestos Abatement Bids and authorize the City Manager and City Clerk / Treasurer to publish and sign the required notice

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Goal Setting Update /  
 Summary of Participation /  
 Discussion of Next Steps**

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Executive Assistant Barb Brooks presented an overview of the Goal Setting community input session. The results of the online survey was also provided. 465 people participated in the online survey and 41 people attended and provided input at the community meeting held in January. The January meeting recognized the top 18 issues after the group broke into focus groups to identify community issues. Those issues were narrowed down to the top seven. The online survey rated and commented on the top 7 issues identified at the meeting and rated the remaining 11 issues while providing feedback on issues not listed from the meeting feedback. The Commissioners were provided with the summary of the issues presented along with the ratings of those issues.

Citizens Comments: Dean Solomon, a facilitator of the community input session said Barb did a wonderful job putting the information together.

Staff Comments: None

Board Discussion: Commissioners thanked Barb for her hard work on this project. Discussion of where to go with this information was had and it was determined that the Commissioners need to take the time to look at this information and will move forward with plans after that.

**GOOD OF THE ORDER**

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Commissioner Sansom inquired when the Christmas garland and lights would be coming down. The garland is being removed now and the lights will be turned off and removed in March.

**ADJOURNMENT  
 MOTION**

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Motion by Mayor Neidhamer seconded by Commissioner Conklin to adjourn the regular City Commission meeting of Tuesday, February 23, 2016 at 1:04 p.m.

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Tom Neidhamer  
 Mayor

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Cindy Grice  
 Clerk / Treasurer

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager *Mc*  
**From:** Cindy Grice, City Clerk/Treasurer *CG*  
**Date:** February 26, 2016  
**Subject:** Board of Review Member  
Appointment



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Board of Review member Oral Sutliff's term expired January 31, 2016. Since the board does not hold regular meetings, both of the other board members, Rose Rau and Bob Carlile have been contacted and verbally gave their recommendation that the City Commission reappoint Oral to the board. Therefore, I am recommending that the City Commission reappoint Oral Sutliff to the Board of Review for a three year term, expiring January 31, 2019.

**MEMORANDUM****TO: MICHAEL CAIN; CITY MANAGER** *Mc***FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT** *AKC***DATE: 2/29/16****RE: ASBESTOS ABATEMENT BIDS**

Asbestos abatement bids have been advertised and were received and opened on Monday February 29<sup>th</sup> at 2:00 pm. Bids were received from only one Contractor. A copy of the bid tabulation is attached for your review. As you may recall a mandatory pre-bid meeting and walk thru was held on Monday February 22<sup>nd</sup> 5 contractors were in attendance.

Also attached to this memorandum please find a recommendation letter from our Asbestos Abatement Consultant, John Rehkopf of Northern Analytical Services with his recommendation.

**Recommendation:**

It is my recommendation that the City Commission award the contract for Asbestos Abatement of the City Hall building and the Street Garage Building to Quality Environmental Services in the amount of \$84,000.00 and authorize the City Manager to sign the required documents.

**Options:**

1. Postpone action on this matter pending further information or review.
2. Approve this matter subject to some changes
3. Any other options as determined by the City Commission

CITY OF BOYNE CITY  
319 North Lake Street  
Boyne City, MI 49712

Bid Results for  
*2016 Asbestos Abatement Project ~ Old City Hall Complex*  
Bids Due: February 29, 2016  
Bids Opened: 2:00 pm

Contractor	Address	Bid Bond	Attachment/Addendum	Signed	Bid Amount
Quality Environmental			1		\$ 84,000

Bid awarded to: \_\_\_\_\_  
City Commission Approval: Item No. \_\_\_\_\_ Date Approved: \_\_\_\_\_

Copies to: City Manager, City Clerk, Project Department



**N O R T H E R N**  
**Analytical Services, LLC.**  
ENVIRONMENTAL CONSULTANTS

February 29, 2016

Project No.: 160042

Mr. Andrew Kovolski  
City of Boyne City  
319 North Lake Street  
Boyne City, MI 49712

Re: Asbestos Abatement Award Recommendation

Dear Mr. Kovolski:

Northern Analytical Services, LLC. (NAS) has reviewed the one bid received by Boyne City earlier today for the upcoming asbestos abatement work at the City Hall and City Garage. The bid was as follows:

<b>Company</b>	<b>Bid Amount</b>
1. Quality Environmental Services, Inc.	\$84,000.00

NAS has worked with the apparent lowest qualified bidder (Quality Environmental Services, Inc.) multiple times over the past several years and feels that they are a qualified company that performs work in a safe and satisfactory manner. Based on the above results and our previous work experience with them, NAS recommends the project be awarded to Quality Environmental Services, Inc. for the amount of their bid (\$84,000.00).

Please note that this project was advertised in the local paper for 10 days prior to the bid due date. Five abatement contractors attended the pre-bid meeting last week. NAS has contacted the other companies that attended the pre-bid meeting to find out why they did not bid, two stated that they did not have time to complete the work, one sent their bid but it was delivered after the 2:00 deadline, and one has not returned my call.

Northern Analytical Services, LLC. appreciates the opportunity to provide these services. Please contact us if you have any questions.

Sincerely,

John J. Rehkopf  
President

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INTEROFFICE MEMORANDUM

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TO: MICHAEL CAIN-CITY MANAGER *Mc*  
FROM: MICHELE HEWITT-DEPUTY TREASURER *MH*  
SUBJECT: LETTER OF OPPOSITION TO HB 5232 & SB 720  
DATE: 2/26/2016

**Background Information**

On January 26, 2016 House Bill 5232 and Senate Bill 720 were introduced to amend PA 169 of 1970 the Local Historic District Act. The proposed changes to the bills would significantly change the existing law in regards to how historic districts are established, regulated and maintained. As Boyne City has a designated historic district the changes in the existing law could have a direct effect on the City.

**Discussion**

Some of the more substantive changes in the identical bills include the requirement of obtaining preliminary approval a 2/3rds majority of voters within a proposed historic district, the requirement of obtaining a majority of voters of the local unit for the adoption of a historic district ordinance, appeals would be heard by the local legislative body and no longer the State Historic Preservation Board, provisions would be added that would allow the legislative body to consider other and more ambiguous standards than the Secretary of Interior Standards for Rehabilitation when making a determination on appeals, establishment of a sunset provision in 10 years that automatically rescinds historic district ordinance if a renewal of the ordinance is not approved by a majority of voters.

It appears likely that the net effect of the proposed changes will limit the creation of new historic districts, weaken the application and enforcement of the Secretary of Interior Standards for Rehabilitation for existing districts, and ultimately result in the elimination of many existing districts.

For these reasons the proposed legislation has garnered much concern and attention from historic districts around the state. In response to the proposed changes of PA 169 of 1970 the Michigan Historic Preservation Network has drafted a letter (see attached) in opposition to House Bill 5232 and Senate Bill 720. The letter has been provided to all Michigan communities that have Historic Districts and the Michigan Historic Preservation Network is requesting the letter be approved by the local units and submitted their State representatives. At the February 18<sup>th</sup> Historic District Commission meeting the board reviewed and approved the letter and passed a motion recommending the letter be sent.

**Recommendation**

Approve letter in opposition to House Bill 5232 and Senate Bill 720 for submittal to State House and Senate representatives.

\_\_\_\_\_, 2016

RE: Proposed Bill to Amend 1970 Public Act 169 Local Historic Districts Act, House Bill 5232 & Senate Bill 720

Dear \_\_\_\_\_,

These comments are regarding House Bill 5232 and Senate Bill 720 and the proposed changes to 1970 Public Act 169 Local Historic Districts Act.

Significant resources in Michigan rely on protection from inappropriate alterations, incompatible new construction, and development pressures that often result in demolition. Such protection comes in the form of Michigan's current state law, PA 169 of 1970, enabling local governments to choose to safeguard their historic resources within local historic districts across the state. This local legislation declares historic preservation to be a public purpose and as so, it has value to the entire community. The system we have is not broken—there is no need for the amendments proposed in HB 5232 and SB 720 and they go too far. Their sponsors are calling these bills “modernization” bills, but they are not that. These proposed amendments completely change the way the local historic designation process and district administration works in response to several mistaken assumptions.

The bills' sponsors state that a local historic district's boundaries are established by the state and not the local community. This is not true. This process is in the hands of the local legislative body from start to finish. The local legislative body appoints the study committee and decides whether to establish a district or not, and sets final district boundaries in the local ordinance. Currently, the State Historic Preservation Review Board receives local study committee reports for comment, but those comments are NOT binding on the local communities—they are advisory. If a local historic district's boundaries change in the future, again, that process is started and finished at the local level. Local legislative bodies establish local historic districts through the local democratic process—public hearings, discussion, and local voting by the elected officials.

The proposed changes in HB 5232 and SB 720 undermine the ability of a community to pursue protection of important local landmarks by requiring that 2/3 of property owners within a proposed district boundary first consent to establishing a local historic district. Furthermore, requiring that exact boundaries for a potential local historic district be proposed before appointing a study committee is contradictory to the work the committee is charged with doing—completing research about the significance of historic resources and the area including the boundaries, which are often determined by contiguous architectural styles, plat maps, and other relevant information uncovered during the research process. Whether a house is historic or contributes to its district or not is *not* based on property ownership—it's based on the research outcomes. The bills' sponsors state that property owners' rights and consent are not currently included in the process of local historic district designation. Because it is a local, political process, their input is very much part of the complete process through meetings, workshops, and public hearings. The preservation of historic places is a public purpose, upheld by the Supreme Court, and the preservation of historic assets is a long-term goal—it takes a longer view than the property ownership that will probably change every seven years or so.

In order to establish a local historic district, as proposed by HB 5232 and SB 720, petitioning of property owners and then mandating that the general electorate vote in favor of the district would be required. Unjustly, the reverse process—dissolving a local historic district—would not require such petitioning or voting, allowing local legislative bodies to eliminate a district without nationally accepted guidelines or justification, and without community input. Additionally, these bills severely jeopardize local historic districts in Michigan through their requirement that local historic districts be voted on every 10 years. Not only is such a process exceptionally inefficient, it would be costly to a local government in its dedication of staff time and community education efforts. This modification to PA 169, should it be amended through these bills, would clearly threaten all local historic districts statewide.

The bills' sponsors also believe that there is not enough flexibility in the current Standards local historic district commissions use. These Standards—the Secretary of the Interior's Standards for Rehabilitation—are the *gold*, national standard in historic preservation; they preserve historic materials and character-defining features while allowing for building adaptations, and they allow for replacement materials and they require that technical and economic feasibility be considered. They also establish Standards for reviewing new construction, including additions, in historic districts. The Standards do require that the homeowner repair before replace but if replacement is necessary, replacement materials may sometimes be appropriate. Each case is different and the local historic district commission is made up of local residents who apply the Standards, and local historic district design guidelines can be created now. It is important to note that the Standards are the same Standards the federal rehabilitation tax credit program uses, so when a developer is doing a rehab project in a local historic district where the federal tax credit is also being used, consistency in review is crucial. These Standards are used all over the country and have been for many years; they keep commissions' decisions consistent and defensible.

The current system is not broken and the changes these bills propose would not be fixes in any case. The amendments are so sweeping it appears that, if these bills pass in current form, federal funding for Michigan preservation projects through the Certified Local Government program—one of the VERY few grant programs for historic buildings—would be jeopardized. In Michigan, over 90% of applications for work in local historic districts are approved by commissions. There are less than 8 appeals per year in Michigan, on average, and this average is declining. The idea that voters need to vote again on an issue that their elected local legislative unit passed is inefficient, expensive, and unnecessary. And mandating a unit-wide election every 10 years to keep the districts the community has already passed is an expensive administrative wreck. It is unnecessary and cumbersome that the State should have to issue a sunset clause on local decisions.

House Bill 5232 and Senate Bill 720 should be resoundingly rejected. These bills would weaken protections for historic resources and threaten the viability of local historic districts in Michigan into the future. Our historic places and neighborhoods are too important.

Thank you,

# March 2016

March 2016						
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		29	30	31		

April 2016						
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17	18	19	20	21	15	16
24	25	26	27	28	22	23
					29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 28	29	Mar 1 12:00pm City Commission 5:00pm ZBA	2	3 8:30am Main Street Board mtg. 5:30pm Airport Advisory Board	4	5 9:00am City office open for absentee ballots
6	7 12:00pm City Commission Retreat	8 Presidential Primary	9	10 6:00pm Parks & Rec (DPW)	11	12
13	14 12:00pm EDC/LDEA	15 7:00pm City Commission	16	17 Saint Patrick's Day (United States)	18	19
20	21 5:00pm Planning Commission 7:00pm Historical Commission	22 8:00am Budget Work Session	23	24 5:30pm Airport Advisory Board	25	26
27	28	29 12:00pm City Commission	30	31	Apr 1	2

# April 2016

April 2016							May 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30	22	23	24	25	26	27	28
							29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 27	28	29	30	31	Apr 1	2
3	4	5 5:00pm ZBA	6	7 8:30am Main Street Board mtg. 6:00pm Parks & Rec	8	9
10	11	12 7:00pm City Commission	13	14	15 Tax Day (United States)	16
17	18	19	20	21	22	23
National Volunteer Week						
	5:00pm Planning Commission					
24	25	26 12:00pm City Commission	27	28 5:30pm Airport Advisory Board	29	30