

**AUGUST 11, 2020
REGULAR MEETING**

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance. Mayor Neidhamer also discussed the rules of the Zoom meeting.

CALL TO ORDER

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Ron Grunch, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: Michael Cain, Cindy Grice, Patrick Kilkenny, Pat Haver, Tim Faas, Scott McPherson, John Lamont and Mark Fowler

Others: There were 16 citizens in attendance via the Zoom meeting platform

**CONSENT AGENDA
MOTION**

2020-08-086

Moved by Conklin

Second by Grunch

Approval of the July 28, 2020 City Commission regular meeting minutes as presented

Approval of a proposed addition to Airport Hangar B-5, and authorize the City / Airport Manager to extend the lease term for up to ten years as outlined and execute the document

Approval to award a purchase order contract to Applied Pavement Markings of Harbor Springs, MI for the 2020 Asphalt Crack Sealing Services in an amount not-to-exceed \$13,210 per the bid dated 8/1/2020 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from the Friendship Centers of Emmet County regarding the termination of the Retired Senior Volunteer Program and also from Tip of the Mitt Watershed Council Report (the report is on file in the City Clerk's office for review) was received and filed.

**CITY MANAGERS
REPORT**

City Manager Cain reported:

- The Boyne Valley Trail railroad crossing permit has been issued.
 - The EMS agreement with Boyne Valley Township has been signed.
 - We have received new correspondence regarding the relicensing of the Boyne Mountain Hydro Dam facility
 - Barb Brooks has been accepted into the MML Women's Leadership Program
 - 9 applications have been received for City Clerk/Treasurer position.
-

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

Draft minutes of the July 6, 2020 Historical Commission meeting; the July 13, 2020 EDC meeting; the July 13, 2020 LDFA meeting; the July 16, 2020 Airport Board meeting; the July 20, 2020 Planning Commission meeting were received and filed.

**600 Jefferson Rezoning
Request First Reading**

Consideration of a first reading of an ordinance to rezone 600 Jefferson Street and schedule a second reading for September 22, 2020.

Planning Director Scott McPherson discussed the requested first reading for a rezoning application that was submitted from GISA LLC to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Conditional Multiple Family Residential District (MFRD) to Manufactured Housing Development District (MHDD). The parcels are located at 600 Jefferson Street. Parcel 026-005-00 is approximately 20 acres with 660' of frontage on Jefferson Street and measures 1,300 feet deep. Parcel 026-004-15 which is adjacent to the east of 026-005-00 is approximately 10 acres and measures 660 ft. by 660 ft. The properties to the north are in Evangeline Township and are zoned Rural Residential and being used for single family dwellings. The property to the east is in the City of Boyne City and zoned Traditional Residential District (RED) and is being used for a church. To the south of the property, properties are zoned RED and are being used for single family dwellings and conditionally zoned MFRD being used for group senior and assisted living. The properties to the west are zoned Traditional Residential District and are being used for single family dwellings. Public sewer and water are located adjacent to the property on Jefferson Street. The subject parcel is currently vacant, with the majority of the parcel covered with mature forest. On the eastern quarter of the property there is a significant slope and an elevation change of over 40 feet.

The subject property was conditionally zoned for Multi Family Development in 2016. The conditional agreement specified the allowed uses, density, site layout, building styles and timelines. The deadline included in the agreement was extended by the City Commission for one year in April of 2019 and again for one year in January of 2020, the expiration date for the agreement is April 25, 2021. While the master plan future land use map designated the property as Residential Open Space, the plan also notes that "Additional specific locations for future multiple family uses are not designated on the Future Land Use map, but will be considered on a case by case basis, so that the Planning Commission can have the flexibility to review the appropriateness of specific areas when the need arises." At the time of conditional zoning approval in 2016 the need for housing in the City and region were well documented and since that time the need has only increased. Given the size and location of the property, the 30-acre tract is one of the few undeveloped large pieces of land in the city on a paved street with the availability of water and sewer. In 2016 the City recognized the need for housing development and the unique opportunity the site provided to help meet that need and the Planning Commission and City Commission approved the conditional MFRD zoning. As part of the consideration for the proposed zoning change reviews were done by the BCPD, EMS, and the Water/Wastewater department in

regards to impacts on City services. Each of these departments confirmed that the existing capacity and personnel were sufficient to handle the increase in demand from the proposed development. As the capacity reviews were completed with the assumption of a total buildout of 212 units, these analyses would still hold true as the total number of units for the proposed change would be significantly less.

In reviewing the proposal, a determination in regards to the requirement of a traffic impact study is required. Section 2.50 (C)(6) stipulates that a traffic impact analysis is required if: *"the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning."* To provide a baseline of existing conditions traffic counts on Jefferson and Vogel streets were completed. While these counts were collected in 2016, there is no evidence to suggest that the number of daily trips on each road has significantly changed since that time. On Jefferson Street traffic counts were collected near the Collins Street intersection for eleven 24-hour periods from September 14-24. During this time the 24-hour traffic counts ranged from 84 to 125 trips heading south with the Average Daily Trips (ADT) of 109 and from 83 to 141 heading north with the ADT of 115. The ADT in both directions over the 11-day period was 224 which represents between 1.87% and 2.24% of the daily carrying capacity of the street. In the Trip Generation Comparison completed by Pete LaMourie PE, PTOE, which was provided with the 2016 conditional zoning proposal, the daily carrying capacity of typical paved two-lane road was indicated to be between 10,000 and 12,000 vehicles. The peak-hour trips for Jefferson Street during this period was at 3 pm on September 19th with 39 trips (14 north, 25 south) which is between 3.54% and 4.33% of the peak hour capacity. On Vogel Street traffic counts were collected near the Maddy Lane intersection for eight 24-hour periods from October 2-9. During this time the 24-hour traffic counts ranged from 145 to 191 trips heading east with the ADT of 168 and from 88 to 126 heading west with the ADT of 107. The ADT in both directions for the 8 day period was 275 which would represent between 2.29% and 2.75% of the noted capacity. The peak-hour for Vogel Street during this period was at 5 pm on October 5th with 47 trips (17 east, 30 west) which is between 4.27% and 5.22% of the peak hour capacity. At complete buildout as currently zoned (212 multifamily units) the use would utilize less than 20% of the peak hour and daily trip capacity of Jefferson and Vogel. The trip generation rates, as per the Institute of Traffic Engineers Trip Generation 8th edition, for a manufactured home community are less than a multifamily development. Given the proposal has less units and would generate less trips per unit as currently allowed, a traffic impact analysis is not required as per the parameters listed in section 2.5(C)(6).

Since the original approval the property owner considered numerous design and financing options to initiate the development, however, citing rising construction costs and labor availability, the project was not financially feasible. In February 2020 the property was sold to

GISA LLC owned by Steven Bratschie. On June 26, 2020, Mr. Bratschie submitted a zoning change application that would rescind the current conditional agreement and change the zoning designation to MHDD. The only principle permitted use allowed in MHDD district is a Manufactured Housing Development. With the application a conceptual layout of 145 units and information about manufactured homes and manufactured home communities was also submitted. While the submittal of specific site plan or development concepts is not required or approvable with a zoning change application, the provided information is a good representation of what a Manufactured Housing Development on the site would look like. Manufactured Housing Developments must comply with specific zoning and State requirements of the Manufactured Housing General Rules and the layout, design and density of the provided concepts were developed in compliance with those standards. While this specific plan may not be submitted for approval if the zoning is changed, a very similar plan would need to be developed in order to meet the required standards.

Steven Bratschie discussed the project. He felt the Planning Commission questions were irrelevant about the rezoning request. He presented the recent study with projected needs for rentals, housing in the area. The demand is high due to a lack of new building. The days of cost effective single housing are gone for now. There are many options for financing manufactured homes. They do appreciate, especially if located in a place like Boyne City. Manufactured homes are energy efficient and will have to be built to HUD codes. These are not trailers. They are fire retardant. This will not be subsidized housing. These homes are the sweet spot of the study that was done.

Don Westphal of Fox Run presented the plan, site analysis, preliminary sketch plan and lot type plan. Proposed home illustrations were provided. Mr. Westphal discussed the water, sewer and run-off data.

Steve Bratschie also provided data on manufactured home community's occupancy rates. He added that this use is less intense than the previously approved use. It is a decrease in density and there are no other parcels available for this. The property does comply and meet the standards in the ordinance.

Citizens Comments: Syd Baxter said at their association, they use contracted services for maintenance and those contractors have difficulty getting support staff. He feels the Fox Run project is a good plan to meet housing needs in the area and challenges this City Commission to take a step forward and approve this rezone.

Michelle Cortright emphasized the need for attainable housing. The proposed project will meet this need.

Steve Schnell said there is a demand for this type of housing. People who own and work at local businesses cannot find housing.

This also provides an opportunity for people to downsize their current homes.

John Lamont expressed concerns of the management of the site.

Jim Baumann said that when he was the Chamber Director, one of the biggest issues the business owners faced was employee housing. This will meet those needs. This is potentially what we're looking for. There will be a huge step backwards if we don't approve this.

Chris Christensen said he is concerned about the numbers that are being thrown around. The issue is the ability to finance these and in some instances they will have to refinance them after five years. His concern is that this is an alternative or is it being used to get it thru as a loophole.

Steven Bratschie said there will be guidelines to maintain the integrity and it will be operated at a top level.

Board Discussion: Mayor Pro-Tem Grunch said he is in favor of the project and the zoning change. This fits with our goals and master plan. Commissioner Solomon said he is concerned about the Planning Commission recommendation to not recommend the rezone. It is important the Planning Commission should thoroughly discuss this and he thinks the Planning Commission could look at this again and discuss the 12 factors. Commissioner Sally Page said it is an exciting project. We really need it and it requires a zoning change. Commissioner Conklin asked if the roads were built to City Standards. City Manager Cain said this will be privately owned. We would supply the elements. Commissioner Conklin added that he fully supports the project. Mayor Neidhamer said he supports this advantageous project. It meets our master plan and goals and the housing solutions goals.

MOTION

2020-08-087

Moved by Conklin

Second by Solomon

To approve of the first reading of an ordinance to rezone the property of GISA LLC, property #15-051-026-004-15 and 15-051-026-004-15 located 600 Jefferson Street and schedule a second reading for October 13, 2020.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Water Treatment Plant Lagoon Area Hydrogeological Study

Consideration to approve an agreement with Tetra Tech to perform the hydrogeological study in the amount of \$5,303 and authorize the City Manager to execute the documents.

Water/Wastewater Mark Fowler discussed the proposed study required by EGLE for renewal of the NPDES discharge permit. We

are required to complete a hydrogeological analysis to determine ground water flow and complete a monitoring well sampling plan. There are four monitoring wells around the lagoon area. EGLE has not required them to be sampled for the last 30 years. Due to age of the lagoon, they want us to start sampling the monitoring wells quarterly to determine if there may be any leakage from the lagoons. We contacted highly recommended Tetra Tech who provided us a proposed total cost of \$5,303

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement with the recommendation.

2020-08-088

MOTION

Moved by Page

Second by Grunch

To approve an agreement with Tetra Tech to perform the hydrogeological study in the amount of \$5,303 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

**City Wide Water System
Valve Exercising**

Consideration to award an agreement with Wachs Water to perform the valve work for the next three years for an annual amount of \$10,583 and authorize the City Manager to execute the documents. Water/Wastewater Superintendent Mark Fowler proposed hiring Wachs Water Services to perform a Valve Exercising Program. They would do one-third of the valves this year and another third next year and the final third the year after. They have the equipment to turn the valves electrically using the minimum torque on each valve so as not to over-torque the valve and damage it. They will locate the valves, clean out the valve boxes, exercise the valve, check the torque limits on each valve, perform minor repairs and provide mapping with GPS coordinates of all valves.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in favor of the recommendation.

2020-08-089

MOTION

Moved by Solomon

Second by Conklin

To award an agreement with Wachs Water to perform the valve work for the next three years for an annual amount of \$10,583 and authorize the City Manager to execute the documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

City Goals

Review and discussion of City Goals and high priority actions status.

City Manager Cain discussed the goal items that were addressed and budgeted in the current years. All Commissioners prefer to schedule a work session to review and discuss the goals, possible on October 6, 2020.

Good of The Order

None

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, August 11, 2020 at 9:16 p.m.

Tom Neidhamer
 Mayor

Cindy Grice
 Clerk / Treasurer