

**MARCH 13, 2012
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 MARCH 13, 2012

CALL TO ORDER

Mayor Ron Grunch called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

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

Staff: Scott McPherson, Barb Brooks, Dan Meads, Craig Remsberg, Hugh Conklin, Dennis Amesbury Cindy Grice and Michael Cain

Others: There were seven citizens in attendance, including representatives from the Petoskey News Review, Charlevoix County News and Boyne Gazette

CONSENT AGENDA

2012-03-029

Moved by Neidhamer

Second by Towne

Approval of the February 28, 2012 regular City Commission meeting minutes as presented

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

Correspondence from City retiree Edith Beck thanking the City for the retiree stipend she received in December

CITY MANAGERS REPORT

City Manager Cain reported:

- Boyne City faired fairly well from the recent snow storm. Emergency responders were quite busy and the DPW and WWWW staff did a great job plowing and cleaning up. Crews are continuing to pick up downed branches.
- Precision Edge began production today.
- Work on the Brook Development is continuing with plans to open in early June, 2012.
- This is Irish Heritage Week in Boyne City.
- The MML Capital Conference is in Lansing on Wednesday March 20.

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

Draft Minutes of February 2, 2012 Main Street Board Meeting; February 2, 2012 Parks & Recreation Commission Meeting; February 13, 2012 Local Development Finance Authority Meeting; February 20, 2012 Planning Commission Meeting and February 23, 2012 Airport Advisory Board Meeting were received and filed.

Consideration to clarify the motion establishing the Kirtland Citizen Committee to specifically stipulate that the committee is an advisory committee only and the Committee has no governmental or proprietary authority

Planning Director Scott McPherson stated that the Kirtland Citizen Committee had its first meeting on March 1, 2012. A bid opening was held on March 12 and two bids were received. At the committee's organizational meeting, the committee decided to have meetings open to the public. The committee did indicate that it may wish to meet in private when reviewing the RFP's, however it is with the understanding that it will only do so if allowed by law. The open meetings act does not apply to advisory committees that have no governmental or proprietary authority. While it is apparent that the intent and purpose of the committee is to serve as an advisory committee, the wording of the motion by the City Commission authorizing the establishment of the committee does leave some room for interpretation. Mr. McPherson recommended that the City Commission clarify the motion establishing the Kirtland Citizen Committee to specifically stipulate that the Committee is an advisory committee only and has no governmental or proprietary authority.

Citizens Comments: None

Staff Comments: None

Board Deliberation: All are in agreement with the recommendation.

2012-03-030
Moved by Towne
Second by Sansom

Approved to clarify the motion establishing the Kirtland Citizen Committee to specifically stipulate that the committee is an advisory committee only and the Committee has no governmental or proprietary authority

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commercial Usage Update

North Boyne Site

City Manager Michael Cain provided the commercial usage update on the North Boyne Yard. Installation of the gate will be as soon as fabrication is complete. Sign verbage was provided and recommended by staff and will be sent out for fabrication. Contractor information including the fee schedule was mailed to known commercial users and a public notice regarding fees will also be published in the Boyne Gazette. Once contractors have been registered, they will be added to a master list that will be distributed to public works employees and the Police Department. This list will be continually updated as needed.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said this implements what was discussed by the past and current commission. Commissioner Gaylord inquired if we will get information on all vehicles per business and was informed the fee is by business, so not at this time. Commissioner Gaylord also inquired input from the Police Department and Acting Chief Remsberg said the signs were discussed and laws will apply. Commissioner Sansom inquired about placing "no charge to local residents" on the signs.

Goal Setting

Consideration to adopt the 2012 – 2013 City Wide goals

Executive Assistant Barb Brooks discussed the 19 goals that were mentioned at either the goal setting meeting or in the survey, along with summarized general comments. Any of these mentioned subjects that were not in the original list of subjects being ranked were added should also be considered in coming up with the list of goals for adoption as some of them came up many times throughout the survey, but were not on the list of priorities that came out of the goal setting meeting. Graphs and charts ranking the responses were provided. City Manager Cain added that while taking all comments, everything was brought to the table.

Citizens Comments: Jim Baumann said based on survey comments, he is encouraging the Commission to keep moving ahead on the Devlon property.

Staff Comments: None

Board Deliberation: Commissioner Gaylord said he appreciates all of Barb's efforts. Commissioner Sansom said all are great suggestions and possibly the technical training goal should be added to the job creation goal. Mayor Pro-Tem Towne said we could combine a lot of the items and cut the list to 15. Commissioner Neidhamer said he is comfortable with using 19 goals as a working document. It encompasses the work Barb did from both surveys. Mayor Grunch said he is happy to see the graphs and thinks we can move on with the list that was provided. Commissioner Neidhamer said that the high traffic speed is an enforcement issue, not a goal. Barb Brooks said the goals adopted are a priority for staff to work on and City Manager Cain agreed. Commissioner Sansom said she also didn't think additional local grocery shopping option was a goal either. We shouldn't be targeting on one particular type.

2012-03-031

Moved by Neidhamer

Second by Towne

To adopt the recommended 2012 – 2013 City Wide Goals with the exception of Goal #'s 9, 13, 18 and 19.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Title VI Non-Discriminatory Plan

Consideration to approve the Title VI Non-Discriminatory Plan as presented and authorize the City Manager and City Clerk / Treasurer to execute the documents

Clerk / Treasurer Grice discussed the requirement for the City of Boyne City to adopt this plan in order to continue to receive federal financial assistance. A draft plan was provided at the February 28 meeting to allow enough time for the Commission thoroughly go through the document.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in favor of adopting the plan.



2012-03-032

Moved by Towne
Second by Sansom

To approve the Title VI Non-Discriminatory Plan as presented and authorize the City Manager and City Clerk / Treasurer to execute the documents and authorize the City Manager to sign the Sub Recipient Application for Certification of Title VI and EEO Compliance and Assurances Form 0106

Ayes: 5
Nays: 0
Absent: 0
Motion carried

One Water Marina Operating Agreement for 2012

Consideration to update and renew the operating agreement for the One Water Marina with Catt Development and Mr. Krueger for the 2012 boating season and authorize the City Manager to sign the agreements on behalf of the City.

Harbormaster Barb Brooks discussed the proposed agreement for 2012 to operate the One Water Marina. It has been successful the first two seasons and would be advantageous to the City to operate the marina for an additional season. All parties feel the One Water Marina partnership has been successful in several way, including the ability to provide day and transient dockage to many larger boats.

Citizens Comments: None

Staff Comments: Hugh Conklin agrees that it is important for the community.

Board Deliberation: All Commissioners are in agreement.



2012-03-033

Moved by Neidhamer
Second by Sansom

To update and renew the operating agreement for the One Water Marina with Catt Development and Mr. Krueger for the 2012 boating season and authorize the City Manager to sign the agreements on behalf of the City.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to adopt the proposed rate section 2 for seasonal rates and rate section 3 for transient rates as set fort by the Michigan Waterways Commission as part of the fee schedule for the upcoming 2012 – 2013 FYE

2012 Marina Seasonal and Transient Rates

Harbormaster Barb Brooks discussed the proposed rate increase for the Marina Seasonal and Transient rates for 2012. Our marina is a "Grant in Aid" Marina meaning we have received grant funds from the Michigan Waterways Commission through the MDNR. As a result, we have certain guidelines that we must follow per each grant agreement including the stipulation that we adhere to the Michigan State Waterways rate schedule. The rate schedule a community falls under is set by the MDNR and is determined by facilities, demand and competition. The City has not raised its transient or season rates in about 4 or 5 years. The proposed seasonal rate increase is less than 3%. Schedules were provided to the Commission showing the rates for different sections.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord inquired if there was any feedback from boaters on rates and has it negatively affected usage. Barb stated this is the first increase in at least five years and is standard across the board. All Commissioners are in agreement with the proposal.

2012-03-034
Moved by Towne
Second by Gaylord



To adopt the proposed rate section 2 for seasonal rates and rate section 3 for transient rates as set fort by the Michigan Waterways Commission as part of the fee schedule for the upcoming 2012 – 2013 FYE

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to approve the contract with C2AE of Gaylord in the amount of \$83,100 for design, bidding and construction engineering services for the South Park Street reconstruction project and authorize the City Manager to execute he documents

Engineering Agreement for South Park Street Reconstruction

WWW Superintendent Dan Meads discussed the proposed engineering contract from C2AE for the South Park Street project. The design and bidding phase are \$37,700 and the construction engineering services is

estimated at \$45,400 for a total of \$83,100. The proposed fees are less than the budgeted engineering services amount in the grant application and in line with engineering costs on similar projects.

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Neidhamer asked if provisions for underground utilities are included in the engineering and was informed by Larry Fox of C2AE, yes. Commissioner Sansom asked if future public information meetings were discussed and was informed yes, they will be held. How will trees be affected? Hopefully the design will be considered around that. Commissioner Gaylord asked if the ability to cover the project is in the budget and was informed yes. Mayor Pro-Tem Towne and Mayor Grunch are ready to move forward.



2012-03-035

Moved by Sansom
Second by Towne

To approve the contract with C2AE of Gaylord in the amount of \$83,100 for design, bidding and construction engineering services for the South Park Street reconstruction project and authorize the City Manager to execute he documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to approve to submit a completed DIG grant application for the proposed South Park Street Infrastructure project and authorize the City Manager and / or the City Clerk and / or Mayor to create and execute any documents necessary to apply for the grant and execute the grant agreement.

DIG Grant

City Manager Cain said this request authorizes us to wrap up the application process for the DIG South Park Street Project Grant.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement.

2012-03-036

Moved by Towne
Second by Gaylord



To approve to submit a completed DIG grant application for the proposed South Park Street Infrastructure project and authorize the City Manager and / or the City Clerk and / or Mayor to create and execute any documents necessary to apply for the grant and execute the grant agreement.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2012-03-037
 Moved by Grunch
 Second by Towne

Meeting Recess

To recess the meeting for five minutes at 8:46 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2012-03-038
 Moved by Grunch
 Second by Sansom

Reconvene Meeting

To reconvene the meeting at 8:52 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

City Manager Cain presented the City Commissioner the FYE 2013 Budget. There will be a Budget Work Session on Tuesday, March 20 beginning at 8:00 a.m.

**City Manager's
 Presentation of FYE
 2013 Budget**

2012-03-039
 Moved by Grunch
 Second by Towne

Closed Session

To approve the request of the City Manager to go into closed session to consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) and to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976) at 9:18 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2012-03-040
 Moved by Grunch
 Second by Towne

**Return to Open
 Session**

To return to open session at 10:20 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commissioner Gaylord discussed items on the proposed POL Union agreement, such as switching health insurance carriers to Priority Health, capping the health insurance opt out payments and the defined contribution -vs- the defined benefit which is a national trend.

Ratify POL Union Agreement

2012-03-041
Moved by Neidhamer
Second by Sansom

To ratify the tentative agreement with the Police Officers Labor Union and authorize the City Manager and City Clerk / Treasurer to draft and execute such an agreement with based upon review with our labor attorney.

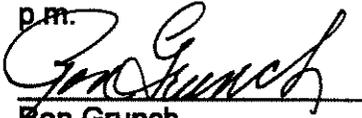
Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commissioner Neidhamer stated he would not be in attendance of the March 27, 2012 Commission meeting.

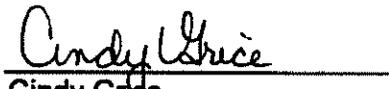
Good of the Order

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, March 13, 2012 at 10:28 p.m.

ADJOURNMENT



Ron Grunch
Mayor



Cindy Grice
Clerk / Treasurer