



BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, June 24, 2014 at **7:00 p.m.**

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 corrected May 13, 2014 City Regular City Commission meeting minutes as presented
 - B. Approval of the corrected May 27, 2014 City Regular City Commission meeting minutes as presented
 - C. Approval of the June 10, 2014 City Regular City Commission meeting minutes as presented
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
 - A. May, 2014 Financial Statement
8. UNFINISHED BUSINESS
 - A. Food Vendor Ordinance 2nd Reading
Consideration to reject the proposed Mobile Food Vending ordinance and adopt the moratorium as presented
 - B. Property Sale-south side of 427 Lewis Street
Consideration to accept the bid of \$5,200 from Indian Garden Associates LLC for the purchase of Lot 0 of CG Lewis Addition and authorize the City Manager to sign all necessary documents to facilitate the sale.

9. NEW BUSINESS

A. Boyne City to Charlevoix Non-Motorized Trail MDOT Certification

Consideration to adopt the certifying resolution for the Boyne City to Charlevoix Non-Motorized Trail as proposed and authorize the City Clerk/Treasurer to submit it on behalf of the City of Boyne City

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, July 8, 2014 at 7 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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**MAY 13, 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 MAY 13, 2014

CALL TO ORDER

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

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

Staff: Michael Cain, Cindy Grice, Scott McPherson, Jeff Gaither, Barb Brooks, Dan Meads, John Lamont, Kyle Smith, Kevin Spate, Annie Doyle, Andy Kovolski and Hugh Conklin

Others: There were 49 citizens in attendance including representatives from the Petoskey News Review, Charlevoix County News and Boyne Gazette

**CONSENT AGENDA
MOTION**

2014-05 061
Moved by Towne
Second by Sansom

2014-05 061A
Approval of the April 22, 2014 City Regular City Commission meeting minutes as presented
2014-05 061B
Approved City Manager Michael Cain to sign the necessary documentation to accept the Charlevoix County Community Foundation grant for the SOBO Arts Festival

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Gene Barfield presented to and requested the City Commission approve a resolution in support of the 200th birthday of the National Anthem. City Manager Cain said he has read the proposed resolution and would recommend approval.

2014-05 062
Moved by Sansom
Second by Gaylord

To adopt a resolution of support of the 200th Anniversary of the National Anthem and create and adopt a appropriate version of the resolution for the City of Boyne City

Ayes: 5
Nays: 0
Absent: 0
Motion carried

John Mccahan said he is happy to hear that the City is now putting together a noise ordinance. He now sees two for-sale signs on the Thirsty Goat and Movie Theater and would like to see the City or Main Street buy the Theater. He would be opposed to the 2nd floor being leased back to bar owners, etc.

Par Kujawski provided the Commission with information regarding groundwater from Division Street on her property on Earl Street.

Ron Crozier discussed the Memorial Day Schedule.

Chip Hansen from the Charlevoix County Community Foundation presented a check for \$4,900 of which \$1,900 is for the SOBO Arts Festival Big Band, and \$3,000 for the Dog Park from the IMI Community Fund.

CORRESPONDENCE

Mayor Grunch proclaimed May 11 – 17, 2017 as National Emergency Medical Service Week, National Police Week and National Public Works Week.

Police Chief Jeff Gaither presented a Certificate honoring Police Officer Kyle Smith for his assistance to a mother delivering a baby in an emergency situation. Mother and infant are doing very well.

City Manager Cain reported:

CITY MANAGERS REPORT

- Happy New Fiscal Year
- Construction began last week on the One Water project.
- Work has begun on the first phase of Division and Pleasant streets.
- Advertisement for the position of Main Street Director has begun. Applications are due on June 4th.
- The last day for the Army Corp to accept comments on the marina expansion is today
- The marina is scheduled to open May 15
- The Mushroom festival is this coming weekend.

Draft Minutes of the April 3, 2014 Parks & Recreation Advisory Board Meeting; the April 10, 2014 Main Street Board Meeting; the April 15, 2014 Historic District Meeting; the April 21, 2014 Planning Commission Meeting and the April 23, 2014 Airport Advisory Board Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Consideration to approve Ridge Run as the name of the Dog Park located on Ridge Street, and direct staff to proceed with implementation of the proposed dog park rules after any input from the City Commission and Police Department.

Dog Park-Name and Implementation of Rules

DPW Superintendent Andy Kovolski presented the Commission with a request to name the Dog Park to Ridge Run Dog Park and also a list of recommended rules and regulations. The Parks and Recreation Board members unanimously supported the recommendation of the name and proposed rules.

Food Truck Discussion

Staff Comments: None

Citizens Comments: Scott MacKenzie said we are blessed to have the individuals who have helped.

Board Deliberation: Commissioner Sansom likes the name. Commissioner Gaylord said he does not recommend approval. Mayor Pro-Tem Towne said the rules are self explanatory and he supports the recommendation. Commissioner Neidhamer said the names and rules are the natural progression. Lots of hours and people have been involved and a reflection on the community when good things can happen in a goal. He is in full approval. Mayor Grunch also supports the recommendation and thanked everyone involved.

2014-05 063

Moved by Neidhamer

Second by Towne

To approve Ridge Run as the name of the Dog Park located on Ridge Street, and direct staff to proceed with implementation of the proposed dog park rules after any input from the City Commission and Police Department.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Mobile Food Vending

Consideration that the City Commission review the proposed ordinance language and fee schedule and introduce this ordinance and set a second reading and a public hearing on June 24th.

Assistant Planner Annie Doyle presented the draft ordinance language for mobile food vending in Boyne City. As a result of public comments, staff has amended the recommendations to include a 50 foot buffer zone around operating restaurants. This setback would not allow mobile food truck vendors to operate within 50 feet of the property line of an operating restaurant in the designated private property areas. A proposed fee schedule was also presented as follows: A \$25 application fee (for all applicants), an \$840 permit fee for operating on public and private locations. A \$420 permit fee for operating on private property only and \$0 permit fee if applicant owns an operating restaurant on City tax rolls.

Staff Comments: Planning Director Scott McPherson said a lot of effort, communication and listening went into this. He encourages the Commission to consider this. Hugh Conklin said the Main Street board is fully supportive of this and also appreciate the business community members that have been involved in this.

Citizens Comments: Gayle Harbaugh of Kilwins inquired how the 50' was determined. 50 feet wouldn't protect her business she is hoping that it would be 100 to 150 feet. Also, her sales went down when another like business came in 3 years ago.

Mike from Thick & Juicy said Hugh and Annie were great to work with. 93 feet gives him a safe buffer. 100 feet would still not cover Kilwins. If Mather's Ford chooses to use their lot, the 50 feet wouldn't protect the BRI. Those are 2 private parking spots the 50 feet limit wouldn't protect.

50 feet is just not enough. He added he thinks the fees were more than fair.

Brian Fround, an ice cream truck owner, said he doesn't feel like he is true competition. He can only make 150 scoops of ice cream per day and hopes this allows the ice cream people more leeway. He added he thinks there are enough ice cream sales for all of us.

Shelly Bush, a mobile ice cream vendor said the fees are a lot for a 4 month per year vendor. There's room for everyone. Maybe there can be a concession a day a week. Where would these fees go? Could they be invited by someone during Stroll the Streets. She doesn't want to be downtown, but in a park. It's a safety issue and there should be a designated area so people would know where they want to go. She just recently put \$4,000 in the business and thru depreciation has already lost money on her trailer which will depreciate every year. If you treat your customer right, they're going to go there. Maybe the Farmer's Market could extend hours. Not many people will buy hot dogs and ice cream before noon.

Jim Baumann said the Chamber has not taken a formal stand, but he thinks the proposal is a good one. There are a lot of options and he thinks two public locations are good ones.

Chris Meyer, who owns a brick and mortar business said he thinks this is a well crated proposal.

Board Deliberation: Commissioner Neidhamer inquired how the 50 vs 100 foot setback was looked at and is 100 feet too prohibitive? Annie said they looked at other communities and their setbacks and the 100 feet is definitely more so. Commissioner Neidhamer said he is in support of this; staff has brought forward a justified and fair fee schedule. Let's try 50 feet. Mayor Pro-Tem Towne asked if any consideration was given for truck size and number of them allowed and was informed only four could open on public property, no limit on private. Mayor Pro-Tem Towne said he supports.

Commissioner Gaylord said he was the one who asked for the maps. This topic has been an extreme balancing act. He feels no less than a 50 foot setback, but between 50 and 100 feet. If someone wants to, they could petition and we could discuss it. He has struggled with the concept of food trucks in downtown where the restaurants are and strongly encourages 100 feet. He inquired why the Chamber hasn't taken a stand and was informed that no one vehemently objected but the board has not taken a stand. Commissioner Gaylord asked Shelly Bush if she had a back up plan. One of our businesses in town already donates money to the Little League. Where is it described in the ordinance the locations? He sees that the ordinance has gone beyond licensed vehicles allowed. His research shows most community have spots that are first come, first service. It should be clear that we are limiting spots. Language should be for a motor vehicle licensed for roads and we're looking for a self-contained mobile food truck.

Commissioner Sansom said she doesn't care for the "other device" terminology and is in favor, but in a limited way. If it doesn't affect current businesses, she would like to see 100 feet.

What about truck length? Annie said it could be considered. Commissioner Sansom said in general, it's a well stated ordinance. Commissioner Grunch said he is in support of the recommendation if be brought back for a second reading. He added that anything under a 100 foot setback could be a disadvantage to a brick and mortar business.

Commissioner Gaylord said he already knows he's going to hear that we are giving away parking with regards to Park Street and are we moving forward with language including licensed motorized vehicles only? Commissioner Neidhamer said he doesn't want to be too restrictive and doesn't have a problem with a food cart.

2014-05 064
 Moved by Towne
 Second by Neidhamer

To review the proposed ordinance language and fee schedule and introduce this ordinance and set a second reading and a public hearing on June 24th.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration that the City Commission maintains the City's current fluoridation levels of 0.7 mg/l.

Water Fluoridation

Water/Wastewater Superintendent Dan Meads discussed the recently raised question regarding fluoridation of the Boyne City public water system. Fluoridation is voluntary and not mandated in Michigan. On May 8, 1973 an ordinance rejecting the addition of fluoridation of the City of Boyne City's water system. In November of 1973, a ballot proposal to add fluoride to the City's water system was approved by voters. We are presently still adding fluoride and operating the water system in compliance with all current regulations. The amount of fluoride that is in our water has been consistently reported in our annual Water Quality Reports.

Fluoridation of public water systems was undertaken over a half century ago as a benefit to public health. Most of the major health and dental organizations are still strongly in support of the program. The recent availability of fluoridated toothpaste, mouthwash and other products has raised the question as to whether the public was getting too much fluoride and if this could be a potential health risk. The Center for Disease Control began a review and in 2011 issued a recommendation lowering the recommended dosage in drinking water from the 1 to 1.1 mg/l limit at that time to the present limit of 0.7 mg/l. We have a natural fluoride level of 0.35 mg/l in our north well field and with the new recommended limit, we have no problems maintaining that level. That natural fluoride level at our south well field is generally less than 0.15 mg/l. So we will always have some fluoride in our water, but if we cease supplementing the naturally

occurring fluoride, we will have what many consider a non-effective dosage for improving dental outcomes. Many communities in our area add fluoride to their water, but Petoskey, Gaylord and Kalkaska do not.

There have been strong opinions on both sides of fluoridation of the public water supplies since its beginning. Information has been collected representing both the pro- and anti-fluoride groups and from the state, federal and medical agencies involved. It is being recommended to maintain our current levels of fluoridation at 0.7 mg/l which is no change to our program at this time.

Citizens Comments: Dr. John Meyerson, Medical Director of the Health Department of Northwest Michigan and also a pediatrician said he agrees with maintaining the level of 0.7 that we currently use. We are at the right place. There are a lot of misconceptions about fluoride. It's not a medication. It's a natural element or nutrient we need to some extent. It's found in ground water all over the world. Community programs adjust that level to the ideal concentration for public health. You need it at some concentration to be beneficial. Like, other things, too much is not good. There can be toxic levels. Just like a lot of vitamins you can't live without, there are toxic levels. Studies have repeatedly and consistently shown that fluoride efficiently reduces tooth decay. The Center for Disease Control says that community water fluoridation is one of the 10 greatest additional to health care. Looking at school screening data and those children who need to be referred because of tooth decay, Gaylord currently does not fluoridate and has a 28% dental referral rate in children. Mancelona does not fluoridate their water and have a 30 % referral. East Jordan and Boyne City who do fluoridate their community water have an 8% referral rate. The health department is seeing it make a difference; it's a passive public health intervention. Vitamin D is added to milk, folic acid is in flour and cereals. It's the same sort of deal. For every dollar spent on water fluoride, \$38 is saved in dental costs. He urges the commission to look at what the research says, what the benefit is. He respects those who don't want it added to their water. Dr. Meyerson added that he doesn't know of any dentist, physician or scientist organizations that don't agree to support community water fluoridation. He provided a letter of support from two doctors at Boyne Area Medical Center also supporting to continue community water fluoridation.

Dr. Tom Veryser, a public health dentist said this is his back yard and what he does. He operates 22 clinics that serve at-risk kids and their parents. It all started here in Charlevoix County. In doing so, he can appreciate the severity of the problem. We're talking about a disease and he is speaking as a person who sees the suffering children go thru and to deny them the opportunity of wellness when perhaps their parents won't or can't help is a mistake. He added that he prays the people in the decision making power will see the wisdom of the science, that in safe dosages, this is a safe product.

Mitchell Heick, said he doesn't drink fluoride, they have well water. He was taught good dental hygiene and now uses natural, no fluoride toothpaste. A lot of his information came from the internet

and he has seen studies showing the negative effects. Referring to a study done at Harvard, higher concentrations show lower IQ levels in kids. Fluoride is a neurotoxin. There's a huge difference between vitamins. Fluoride sodium leaches calcium from your bones. It is forced medication on the public. It's an industrial waste by-product causing way more detrimental effects than good effects. You shouldn't put what is proven to be a poison in public water.

Josh Grove, said he is a local business owner and said to take fluoride out of the water. If you agree fluoride is good for your teeth, common sense is to use fluoride toothpaste. Taking it out of the water is the main thing. Mr. Grove provided information from the Mosaic Company that sells what Boyne City puts in the water supply. It's a by-product of phosphate fertilizer industry. Its not natural fluoride. Primary use, it's an industrial chemical that is corrosive to the skin, eyes and mucous membranes thru direct contact. We're taking showers in this water. Causes severe irritation and burns. Mr. Grove read further information regarding the product and its adverse effects.

Scott MacKenzie said he lives in Boyne City and drinks the water. Did you know if you drink too much water, you can drown? The things Josh is talking about are in large quantity. The bottom line is its a health benefit for our community in small amounts. Anything in excess is not good. Trust the folks putting it in. Bottom line, it's good for our community and good for our health and children.

Justin Weisler said his major concern is freedom of choice. We have plenty of choices in fluoride availability. He doesn't feel like he should have to have it added in the water. How many students are in the city limits? He doesn't feel 100% of the study either way. Why have it when there are other ways to get it.

Dr. Richard Fish, a dentist, said when he moved to Boyne City, there was no fluoride. Tooth decay is literally non-existent now. He would question the study done in China. Enamel is the hardest substance in the body. The application of topical solution does prevent decay. We see high school kids who have no cavities at all. You can make a case that any amount is too much. If you're going to do away with fluoridated water, you might as well do away with mumps and measles vaccines. Here we have the greatest tool available to the community. Dr. Fish added he feels strongly about this. You pulled me out of retirement to help fight this. Please help us get this thing thru and leave it alone.

Dr. Jennifer Larson, a dentist said she commends everyone that came here on both sides of the issue. Everyone here has good intentions. We all want what's best for our families and our community so to care enough to come here is commendable. She said both sides have passion supporting their thoughts. As far as her professional opinions on the matter, a lot of the negative is flawed science. On the other hand, we have the benefits of properly conducted scientific research. She added that she read an excerpt of the Harvard study that has been referenced and it didn't adhere to research protocol that makes a study valid. She is backing up the

reputable associations like the ADA, American Medical Association, World Health Organization and others. It's not time to stop trusting them now. We have the benefit of looking at real life experience that started in Grand Rapids in 1945. We are also looking at real life study. Proper dosage so it's not a neurotoxin, is important so teeth will come in strong.

Kathy Kipapa said it's well known in the medical field that a proper diet causes us to have good teeth and good bones. Without that, just like in the middle east they have bad health. We live on processed foods. The studies don't include what people are consuming. We are one of the sickest countries in the world. We take 50% of all pharmaceuticals in the whole world. When you talk about fluoride, its common sense that when someone tells us to take a chemical, 25 percent of it remains. You are absorbing it under your tongue. It's in your water and absorbed in your feel. It's not natural at all. The chemical waste companies have decided that we can pay them to get rid of their waste. When we can have a government even in the smallest amount tell us its okay to consume. It's being dumped in the water system ground and becomes toxic. Every time you do your laundry or wash your dishes, it's slowly builds up into the ground and becomes toxic to the earth. Hitler had fluoride in his death camps in the water. It's a well known fact. Syria used sodium fluoride to kill a population. It's a chemical weapon people. She added she doesn't care what the doctors say. They have passed so many drugs, like agent orange. This is really one sided.

Brian Thurston, MDEQ District Engineer said the form at which the City purchases is 25%. The chemical as you put it into your water is very concentrated. Adding it to the water is done with precise equipment. Oversight is provided to the community. He encourages the community to continue to add fluoride.

Jinny Heick, said fluoride is more toxic than lead and slightly less than arsenic. It's an industrial waste product that saves billions of dollars per year. This is a very depressing story It goes back to the Manhattan Project. Its' the science of deceptions. She referred to "The Fluoride Deception" It is agent orange science. Aluminum creates fluorides. They had massive tons of fluoride that poisoned many people. Bringing fluoride in is a con on the American people because the government got with big business. So many people were becoming sick and so many lawsuits were looming. To this day, it benefits big business. They don't pay a penny and dump it in our water. Maybe it does reduce cavities, but let me decide. She doesn't buy it, she did her research. Her pediatrician gave her sons fluoride. Oral hygiene is what we need. It's the long term effects no one talks about. What worries her is the amount of chemicals from the big industries that are in our water, in our food. Lab studies reveal all information that was suppressed. If you want to drink it, get the pill. It's a democracy issue. It's a green tree city because trees clean the air. If you want it, take it yourself, but don't put it on us.

Rose Straebel, the oral health coordinator for the health department said fluoride is a naturally occurring mineral extracted from phosphorous rock. It's not a chemical. When she does oral exams

on these kids at age 5, 6, 7 and 8 year old kids, they aren't using the fluoride toothpaste like we think they are. They forget. They aren't doing the things they need to do. When she was a kid, she didn't brush her teeth like she should have. These kids don't do this. We're doing this for our next generation.

Hugh Conklin said he drinks city water and is a little confused, why are we even talking about this? Looking at the list of goals, he doesn't see fluoride anywhere on it. Is this an appropriate discussion? Are you comfortable as a City Commission making this decision? After listening to the science do you feel that's your role to be doing this? If we spent our time and energy on things, why don't we look at street crossings where kids are trying to get to school? There are other things we should be doing. Why don't we try to improve a swimming beach for the kids? Why are we ripping ourselves apart? We should be spending time and energy on other goals. He questions the ability to do it when there are certain people who wanted to do this before there was an opportunity for the public to get involved. He added he is completely at a loss.

Ben Hanson said they're going thru this in Traverse City. They are going thru this very discussion in Traverse City in about a month. He represents Fluoride Free in TC. He says he just can't sit here and hear doctor after doctor saying fluoride is natural. Talk about a deception. That is unconscionable. There is no excuse.

Dan Meads said regarding the IQ issue brought up, most of Europe fluoridates their water thru their salt, not their water.

City Manager Cain said he didn't know too much about fluoride before we got into this process. The information Dan gathered here has been enlightening. He supports the recommendation from Dan. We are a low and moderate income community. A lot of our residents don't have access to the high level of dental care the dentists are providing thru their facilities. All Doctors take an oath to do no harm. Dentists today are talking against their own self interest. Looking back at magazines with early pictures, he can picture what Dr. Fish is talking about. People who didn't live thru the problems, don't see the benefit. We're talking about something that many American forget about how bad things were. We now have something economical and very efficient and something we should maintain. He thinks it is a direct benefit to our community. It's good that people are having a discussion. When an opinion is taken as fact he thinks there are real problems with that. He agrees with Hugh. He thinks it's a distraction from the goals the Commission has established. The evidence provided by professionals from the surgeon general on down supports the action Boyne City has taken since the 1970s. He added he can only imagine what Thelma Behling is thinking right now, a public health nurse that worked with the children of our community and helped bring fluoride to the City of Boyne City. Give us wisdom Thelma as you're looking down on us today. This is a very important decision and in his mind, the facts speak for themselves, not the passion of the issue. This Commission has an important issue for the future and implications in regards to generations of people ahead. For those who live here year

around and the youngsters. It's an emotional one for him, he has four daughters and wants to give them every opportunity to give them a good and healthy life. Glad that Boyne City has the water system that it does and thinks depending on the decision this commission makes, it may have an implication on how people look at Boyne City.

Board Discussion: Commissioner Neidhamer said he appreciates this topic. They're not experts as Commissioners, but it does fall in their lap to make this decision. He appreciates the staff preparing the 110 pages. He googled every author and also thanked the Boyne City Gazette, citizens and local professionals. 75% of Americans have fluoridated water. 90% of Michigan residents. Listed are the American Dental Assoc, AMA, American Assoc. of Pediatrics, and many other associations including local professionals who are a very impressive support of water fluoridation. In contrast, after hours of research, the opposing organizations are few, very few. There are many articles opposed, but credentials, expertise of local, national and international. I cannot in good conscious disregard the professionalism, knowledge and expertise of local, national and Michigan experts. He read the Harvard report, watched 14 videos, but they do not hold the credentials of medicine he just mentioned. He weighs the opinion of the professionals and he is in support of maintaining the current level of fluoridation.

Mayor Pro-Tem Towne read all of the documentation. He read the pro documentation from the American Dental Association. If you ingest more, you could be at risk. What he does believe is that this should all come down to choice. If there is any chance by adding it could cause any problems, his choice would be to not have it in the water. If he chooses to use fluoride he could get it in toothpaste or mouthwash. It should all come down to choice.

Commissioner Gaylord stated that this is part of their duties of representatives of the City of Boyne City. He wanted to apologize to Commissioner Sansom for dismissing it the first time she brought it up. When it was brought up again, it was worth a look and he started to research. While they're not doctors or dentists, when we look at a topic like this he looks at his core beliefs and that its individual responsibility and freedom of choice. Regards to the topic, we can replace fluoride with everything. It's a personal choice. Yes, as Dr. Meyerson said you can go get a filtration system but it's a thousand or two thousand dollars. Those who have the financial ability can choose to invest in that if they choose to not have fluoride but has heard people say they can't afford those filters. He goes back to a matter of choice of the individuals. As Dr. Veryser can confirm, for individuals who are not financially able, his organization does provide help which is a fantastic thing and it's great that we have that. He encourages individuals who may not have the means to take advantages of those services. But it goes back to a matter of choice. Bottled water gets very expensive if you want to avoid fluoride. Of all the phone calls and correspondence he did receive, he didn't receive any calls from anyone saying to keep fluoride. It has been mentioned on both sides of the aisle of different types of fluoride. It's an element, not a vitamin. If we are adding calcium

fluoride, that may change the discussion a little bit. Nobody has disputed on either side of the aisle that it's a by-product, not naturally occurring. It's a different chemical compound than that which is naturally occurring. If there was just one report, one study on both sides of the aisle on this topic, and both had valid claims what are we left with? We're left with the old saying that if any part of the sentence is false, its all false. So if that one other study had information on potential negative effects, He added that he appreciates the comments and respects the positions and titles. Both have valid claims and are passionate about it. If the one other study presents information about potential negative health affects. Education, studies and data collection change and we see that nationwide. He looks at this as not passionate but looking at all of the information from all sources and is in agreement with Commissioner Towne that he cannot support the artificial fluoridation of our water system.

Commissioner Sansom said there is a lot of information from both sides and has also spent countless hours researching both sides. She thanked Dan for all of the information he provided. She has received some phone calls. She has a background where she has a different issue and different take on all of this. She has a chemical sensitivity, and while not being passionately as personally her, but being in that kind of state, she has done a lot of research, she has taken courses studying toxins and their effects. She has taken a lot of courses at Berkley studying toxins we put in our body. When it comes to the type of fluoride we put into our water system, it is a chemical, toxic waste hazard that we put into our body. The benefit for teeth for preventing cavities is true. Fluoride is attracted to areas of calcium in the body. It is also destructive to the bones. The whole idea of aging is not so much as getting older and deteriorating, but a buildup of toxins of all kinds we accumulate in our system. We absorb them, we breath them, come into our skin. She opposes to ingesting any toxin, even in small amounts. Believes in the freedom of choice. There are many products to get fluoride, black tea, grapes. You can't control the amount you are receiving in total, you really don't know. Dan does a great job in keeping it at the right levels. She added she respectfully disagrees with some of the information presented. We want to have our kids have healthy teeth, but at the same time she doesn't want to see any other detrimental issues on the other end. Fluoride also causes fluorosis. The United States uses 50% of all fluoride. Commissioner Sansom listed several cities who have done away with adding fluoride.

Mayor Grunch said he thinks it is a mistake to take it out of our water and is a step in the wrong directions. Those most vulnerable will suffer the most. He has done a lot of reading on this for last three – four weeks and does not want to remove it from the water system.

MOTION

2014-05 64

Moved by Sansom

Second by Gaylord

To cease adding fluoride the water immediately in the City of Boyne City.

Further Discussion: After the motion was made, Commissioner Neidhamer stated we are taking a step backwards and is amazed we are not listening to our professionals. It's beyond the comprehension that we think we know more than the local dental and doctor opinions. He added that with all due respect to Commissioner Sansom that a lot of the things she stated, he totally found the counter argument to. As far as choice, he thinks that Dr Fish made it perfectly clear that it needs to be chemically ingested as the body grows from infancy on up to chemically bond. You don't ingest toothpaste. He is saddened that we re possibly taking a step in the wrong direction.

Ayes: 3
 Nays: 2, Mayor Grunch and Commissioner Neidhamer
 Absent: 0
 Motion carried

2014-05 65
 Moved by Grunch
 Second by Towne

**BRIEF RECESS
 MOTION**

To take a brief recess at 9:58 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2014-05 66
 Moved by Grunch
 Second by Towne

**RECONVENE
 MOTION**

To reconvene the meeting at 10:10 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration that the City Commission advise staff on which option they would like to proceed with and authorize the City Manager to sign the required documents.

**Lower Lake Street
 Storm Outfall**

Public Works Superintendent Andy Kovolski discussed the solution from C2AE for the erosion problems at the Lower Lake outfall. Two different preliminary plans were provided as solutions. The only real difference between the two proposals is the length of the pipe extension added and the amount of Rip Rap Stone required. City Manager Cain added the public will still have the opportunity to use this space. Larry Fox with C2AE discussed the proposals with the Commissioners. Either proposal will require permit applications.

Citizen Comments: None

Staff Comments: None

Board Discussion: Commissioner Gaylord said it is pretty clear that something needs to be done. We have to look at the potential liability issues. He is in support to take the pipe out as far as we can. All other Commissioners support option 2.

2014-05-067

Moved by Neidhamer

Second by Gaylord

MOTION

To follow Option Two as presented to resolve the erosion problems at the Lower Lake Outfall.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration that the City Commission approves the proposal with the low bidder, Tri-County Excavating for the amount of \$18,900 and authorize the City Manager to sign the required documents.

**Division Street
Drainage**

Public Works Superintendent Andy Kovolski discussed the standing water issue on Division Street at the entrance to Parkview Apartments. On the east side of the entrance is a depression that is currently holding a large amount of water. City crews have pumped water from this depression many times and it fill back in within a very short period of time. City resident Bill Kuhn owns properties adjacent to this area and has had flooding occur in a crawl space at one of his homes. It should also be noted that other residents in this area have reported water issues that are much worse this year than in past years.

Proposals to install a temporary coffer dam to stop water flow to the low point of the depression; install a perforated drain structure in the bottom of the depression with the structure to also have a beehive lid; and to install an 8 inch CPP pipe to catch basin at the south edge of Division Street were received. Tri County Excavating provided the low bid in the amount of \$18,900.

Staff Comments: None

Citizens Comments: Pat Kujawski, who lives on the south end of Earl Street said she is concerned that its all the south side of Division. Is it going to eliminate what's on the north side of Division? Andy said he is not sure, there is a possibility that it may. Bill Kuhn said Mrs. Kujawski's drainage problems have gotten worse in the last year and he is hopeful this will help everyone. This is a good starting point.

Board Deliberation: All are in agreement with the recommendation.

2014-05-068

MOTION

Moved by Towne
Second by Gaylord

To approve Tri-County Excavating for the amount not to exceed of \$18,900 to and authorize the City Manager to sign the required documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration that the City Commission to review the draft plans on the Ray-East streets project and authorize City staff to proceed to final design.

East and Ray Street Design

Public Works Superintendent Andy Kovolski presented the City Commission the preliminary design plans from C2AE for the East and Ray Streets project. The City is receiving a DIG grant from the MEDC for \$583,519 for the project. The total project cost is estimated at \$833,600 and includes Ray Street between South Lake and South East Streets, one block of South East Street between Ray and East Main Streets and one block of alley running parallel between Water and Ray Streets, between South Park and South Lake Streets. The plan as presented maintains the layout of Ray and East Street and consists of water and sewer improvements; storm water installation; street reconstruction including curb and gutter; sidewalk improvements, burial of overhead utility lines; and streetscape elements such as decorative lighting and landscape trees. The design phase is approximately 75% complete and one more public

Citizens Comments: None

Staff Comments: None

Board Discussion: Larry Fox of C2AE discussed the project with Commissioners. Parking issues were discussed, and questions regarding layout were answered. This project schedule is to begin construction in mid-August with a mid-October completion. Discussion was focused on the parking and sidewalk.

2014-05-069
Moved by Towne
Second by Sansom

MOTION

To review the draft plans on the Ray-East Streets project and authorize City staff to proceed to final design.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration that the City Commission approve the Resolution of Support for the continued participation in the RRC program.

Redevelopment Ready Communities

Planning Director Scott McPherson discussed the proposed resolution of support for continued participation. This resolution is required as part of the Redevelopment Ready Communities is required within 30 days of receiving the presentation. Representatives from the MEDC gave their presentation on the Final Report of Findings at the April 22, 2014 City Commission meeting.

Resolution

Citizens Comments: None

Staff Comments: None

Board Deliberation: Commissioner Gaylord said he maintains that he doesn't feel it's necessary and we don't need to conform. All other Commissioners are in agreement with the proposed resolution.

2014-05-070

Moved by Neidhamer

Second by Towne

MOTION

To review the draft plans on the Ray-East Streets project and authorize City staff to proceed to final design.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Consideration that the City Commission approves the purchase a 2015 Ford Police Interceptor from Bob Mathers Ford for the price of \$24,750.

Police Car Purchase- 2015 Ford Police Interceptor

Police Chief Jeff Gaither presented information regarding the purchase of a new patrol car for the Police Department. At this time, we currently have 3 patrol cars and the proposed new vehicle would replace the 2010 Ford Crown Victoria which has over 99,000 miles and is close to the point of replacing some big ticket items like steering and suspension. The proposed Taurus uses significantly less fuel overall which has provided a substantial savings for the Department and City. It is all wheel drive which provides a much safer platform for patrol and receives rave reviews by our officers for winter mobility, safety and performance.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in support. Commissioner Gaylord said he understands fleet management. This winter was the test.

2014-05-070

Moved by Towne

Second by Gaylord

MOTION

To approve the purchase a 2015 Ford Police Interceptor from Bob Mathers Ford in the amount of \$24,090

Ayes: 5

Nays: 0
 Absent: 0
 Motion carried

Consideration that the City Commission approve the increase of the City Manager's pay to \$92,809 effective May 1, 2014

**City Manager
 Compensation**

Mayor Pro-Tem Towne and Commissioner Sansom proposed a pay increase to City Manager Michael Cain in the amount of 3% to bring his current salary in line with what has been previously negotiated for other City Employees, to an annual salary of \$92,809 to be effective May 1, 2014.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in support

2014-05-071
 Moved by Sansom
 Second by Towne

MOTION

To approve the increase of the City Manager's pay to \$92,809 effective May 1, 2014

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Commissioner Gaylord inquired about a water drainage situation.

Good of the Order

2014-05-071
 Moved by Grunch
 Second by Gaylord

**Closed Session
 MOTION**

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) of the Michigan Open Meetings Act (PA 267 of 1976) at 11:47 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

2014-05-072
 Moved by Grunch
 Second by Neidhamer

**Return to Open
 Session
 MOTION**

To return to open session at 12:30 a.m. on Tuesday, May 14, 2014

Ayes: 5
 Nays: 0

Absent: 0
Motion carried

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, May 13, 2014 at 12:30 a.m. on May 14, 2014

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

**MAY 27, 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 MAY 27, 2014

CALL TO ORDER

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

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

Staff: Michael Cain, Cindy Grice, Scott McPherson, Jeff Gaither, Barb Brooks, Dennis Amesbury, Annie Doyle, Andy Kovolski and Hugh Conklin

Others: There were 8 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News

**CONSENT AGENDA
MOTION**

2014-05 073
Moved by Gaylord
Second by Towne

2014-05 073A
To approve of the recommendation from the Planning Commission to reappoint Jim Kozlowski to the Planning Commission for a three year term expiring May 31, 2017

2014-05 073B
To approve of the recommendation from the Planning Commission to reappoint Jane MacKenzie to the Planning Commission for a three year term expiring May 31, 2017

2014-05 073C
To approve of the recommendation from the Planning Commission to reappoint Jason Biskner to the Planning Commission for a three year term expiring May 31, 2017

2014-05 073D
To approve of the Planning and Zoning Service contracts for Evangeline Township in the amount of \$26,088.15 and Wilson Township in the amount of \$37,669.74 and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Commissioners Gaylord and Sansom discussed corrections to the May 13, 2014 draft minutes which were pulled from this agenda. The draft minutes will be presented at the next meeting.

CITIZENS COMMENTS

Ron Crozier said it was a good Memorial Day. He thanked the Police Chief for their assistance and also thanked the marina staff for their mowing of the Veteran's Memorial. It is Boyne City's memorial and we need to keep it clean, in order, and remember those who gave their lives. There have been more dog droppings in the memorial.

Bob Foit said he read the paper and was shocked to see that fluoride has been taken out of the water. He is concerned about what it says

about our community. Every major health organization is essentially for fluoride in the water. It is appalling for a community, and the face it's going to put out for us, is not the as progressive community he thinks we would like to be seen. He is expressing his dismay and hoping there's a way to overcome it. There's always some type of opposing view. Are we going to ask our physicians to not inoculate for polio because of outlying position that has some other views.. He added he doesn't think this is the place to remake science. He added he believes it does make us look bad.

Howard Newkirk said the fluoride removal is a regrettable decision. His understanding that fluoride was put into use by public referendum. Can we get a legal opinion whether or not we can overcome the vote? He asked what it is that the public has to do to overturn this terrible decision? Is that something for the City Manager to do? Mayor Grunch said the Commission would have to act on that as a whole.

Arch Wright said he has been told the charter said nothing about the action the City took. He said he has spoken to three attorneys. All 3 were of the mind that the removal of the fluoride is an illegal action on the part of the Commission. He spoke with the Mayor of another community who is an attorney who felt the action taken was not legal. He added the failure to get an opinion from the City Attorney is derelict to the City. Its not going to cost that much and certainly it's going to cost less than litigation.

Dr. Tom Verysen said since the City Commission has acted on this, he's been contacted by the American Dental Association and the Michigan Dental Association all wondering what's going on. He added he can tell us the disease they will start to see in the next 3 – 5 years will be amazing. This is absolutely wrong. The cost to society in addition to the pain and suffering to children and families is just horrendous. I wish you would think again.

Mayor Grunch said we have been questioned as a Commission regarding the legality of what took place, whether they have the right to overturn the public referendum. He asked for a motion to direct the City Manager for clarity and to consult our legal firm Plunkett & Cooney. Commissioner Neidhamer said he agrees and thinks we need to address the legality of the issue. We need to consult our legal firm. Commissioner Gaylord asked do you have any information other than what was provided via email. Mayor Pro-Tem Towne said he is not changing his mind about what he said about choice, but it would be ok to see if this is legal and to check with the attorney.

2014-05 074

Moved by Grunch
Second by Gaylord

MOTION

To direct the City Manager to consult with our legal firm to look into the legality issue of whether the City Commission can override a vote of the people and provide clarity

Ayes: 5

Nays: 0

Absent: 0

Motion carried

CORRESPONDENCE

Correspondence from the State of Michigan Department of Community Health regarding fluoride and the May 13, 2014 Resolution Recognizing the 200th Anniversary of the National Anthem of the United States of America were received and filed.

CITY MANAGERS REPORT

City Manager Cain reported:

- Boyne City was well represented at last week's national Main Street meeting in Detroit.
- The new and extended shoppers dock is ready for use.
- Three of our fixed docks at the marina have been removed and are being replaced with new adjustable height docks.
- The last of the marina dredging spoils have been removed from the parking area west of the Little League field and the area is again open to the public
- Work on the Pleasant and Division Street improvement project continues to make progress. Work on the new storm sewer lead o Division Street to drain the wet area east of the Parkview Apartments is scheduled to begin Wednesday.
- Much of the pavement marking around town has been completed with mainly the parking space lines yet to be done.
- Our three weeks of spring household rubbish collection begins this week.

RECOGNIZE ORAL SUTLIFF FOR 52 YEARS OF SERVICE TO THE BOYNE CITY FIRE DEPARTMENT

Mayor Grunch and the City Commissioners presented a certificate of appreciation to Oral Sutliff for his 52 years of dedication to safety of the Citizens of Boyne City and the Boyne City Fire Department. Oral and his wife Eleanor Sutliff shared stories with the Commissioners and audience.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

None

Noise Ordinance Report

Discussion and possible consideration to direct staff to develop a noise ordinance for the City of Boyne City.

Planning Director Scott McPherson discussed the noise ordinance. For many years the City has had a noise ordinance in effect. In 2009, in response to complaints stemming from music being played at what was then 220 Lake Street, a citation was issued to their operator for violation of the noise ordinance. A hearing on the matter was held in the Charlevoix County District Court in September of 2009. In the Court's opinion, the noise ordinance was unconstitutionally vague due to the subjective nature of violations and the Court dismissed the City's claims against the operator. Given this opinion, the Boyne City Police Department has not issued any subsequent citations for violation of Section 31.141 Noise, Article V, Offenses Involving Public Peace and Order. The Boyne City Police Department does receive noise complaints on a regular basis. A compilation of those complaints were presented.

Since the district court decision, the City Commission has received requests from the public for the City to adopt a new noise ordinance. Given the statistics provided by the police department, it appears there is a need for some type of noise ordinance that can be applied to these types of complaints. City Staff has researched and reviewed a variety of noise ordinances and types can be classified into two general categories: ordinances that establish specific decibel limits for various districts, and ordinance that identify the violations by types of activities and rely on

Officer's discretion to determine a violation. The typical type of ordinance found in northern Michigan communities relies on the discretion of the office. It stipulates that it is a violation to make continued excessive or unusually loud noise that annoys, disturbs or injures others and lists various types of activities and noises that would be in violation. Staff recommends the City Commission direct staff to develop a draft ordinance based on the City of Mason model, which does not use decibel limits.

Staff Comments: Chief Gaither concurs with the recommendation.

Citizens Comments: None

Board Discussion: Commissioner Sansom inquired of the complaints filed, how many were repeat offenders. Does this direction cover annoying noises other than decibel levels, and is subject to interpretation. Commissioner Gaylord said he is not sure why it's before them at this point. Only two issues have been brought before the board since he's been on the Commission. The vast majority comes from music from the Central Business District. Are we going to create an ordinance and let the judge figure it out? It's foolish thinking, let's go back to the facts. How many were fireworks related complaints. He needs that data. The ordinance presented seems ridiculous. Commissioner Gaylord added that he predicts if this model was adopted that bars and restaurants that have entertainment as part of their livelihood would ask for waivers. If we reject that, we are affecting the monetary business. Are we going to shut Stroll the Streets down? Is that what we want? I don't think so. He added it appears this is a feel good response to one individual who has been approaching the Commission. The decibel one eliminates all subjectivity. The evidence speaks for itself. He is absolutely against the subjective thing. Is a judge going to uphold this?

Mayor Pro-Tem Towne said he agrees with fellow commissioners. He is okay with developing an ordinance and have it come back. Commissioner Neidhamer said Commissioners Sansom and Gaylord brought up good points. Any ordinance will take care of 90% of the complaints. That would be common sense. He thinks every police action has subjectivity to it.

Police Chief Gaither said he would not be happy with adopting the Mason Ordinance, but could add or subtract to work for Boyne City. The Police Department is responsible for keeping peace in the community.

Commissioner Neidhamer said he does agree that two big issues are the ones we lost in court, but we need a tool that will help in 90% of the situations.

Mayor Grunch said do we not have a disturbance of the peace ordinance that could be amended rather than create a new ordinance?

City Manager Cain said the City Attorney was involved in this. As options show, we gave staff recommendations. We want to let the Commissioners know, based on what we've heard in the community.

Commissioner Neidhamer said the Police Chief is asking for a tool. The lawyer is asking for a tool. He would like to proceed and it be brought back to them. Mayor Pro-Tem Towne agrees.

Commissioner Gaylord said he is requesting we tread extremely lightly in moving forward.

2014-05 075
 Moved by Neidhamer
 Second by Towne

MOTION

To direct staff to work on a draft noise ordinance for the City based on the City of Mason model, not the decibel mode.

Ayes: 4
 Nays: 1, Commissioner Gaylord
 Absent: 0
 Motion carried

Consideration to approve a contract for beach testing at Peninsula Beach only with the Health Department of Northwest Michigan for 2014 and authorize the City Manager to sign the required documents.

**Beach Water Quality
 Monitoring Program**

Public Works Superintendent Andy Kovolski discussed the proposal received from the Health Department of Northwest Michigan to provide seasonal testing of the water at beaches at the cost of \$1,000 per beach. It is being recommended that we test the water at Peninsula Beach, the city's only official beach.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Gaylord said it is a worthwhile matter. We need to improve the actual sand area. Clearly people need to know the water is safe. Perhaps the Lake Charlevoix Association could kick in funds. All other Commissioners support the recommendation

2014-05 076
 Moved by Neidhamer
 Second by Towne

MOTION

To approve a contract for beach testing at Peninsula Beach only with the Health Department of Northwest Michigan for 2014 and authorize the City Manager to sign the required documents.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Discussion and direction for the disposition of City properties, identifying any parcels that should be disposed of and direct staff to proceed with completing the transactions for the sale of any identified properties.

**Sale of Excess City
 Property**

Planning Director Scott McPherson discussed the request we received from the property owner of 427 Lewis in regards to purchasing the City owned lot adjacent to her. The parcel is located near the corner of Lincoln and Lewis Street and located in the traditional residential zoning district and is approximately 8,600 square feet with 130 feet of frontage on Lewis Street. It is irregularly shaped but meets ordinance criteria for lot area and frontage. Water service is available but sanitary sewer is not. It does not have a current assessed value as it is owned by the City. Scott also provided the City with a map showing other city owned lots that staff has reviewed and determined they are suitable for future development. It is recommended that the City Commission identify any parcels that should be disposed of and direct staff to proceed with completing the transactions for the sale of any identified parcels.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said he is okay with selling lot 7 and ok with putting others on the market and back on the tax rolls. Commissioner Neidhamer said some lots may not be worth much. Commissioner Sansom inquired how we acquired that in the first place. Commissioner Gaylord is in favor of putting the Lewis Avenue lot for bid. Mayor Grunch agrees.

2014-05 077

Moved by Gaylord

Second by Sansom

MOTION

To direct staff to obtain fair market value pricing and put the parcel located on Lewis, near the corner of Lincoln out for bid.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to proclaim June 2 – 5, 2014 Smart Commute Week in the City of Boyne City

**Smart Commute Week
Proclamation**

Assistant Planner Annie Doyle discussed the Smart Commute Charlevoix County Week. This is a weeklong event designed to increase awareness of and demonstrate the ability to use alternative methods of commuting that provide health, economic and environmental benefits. It is organized by a volunteer steering committee and is partners with the Top of Michigan Trails Council to bring this event to Charlevoix County. It's a friendly competition to encourage co-workers and friends to bike, walk, car-pool or use public transit to get to work. Participants track their preferred method and a trophy will be presented to the team with the highest percentage of employees commuting within their division.

Staff Comments: None

Citizens Comments: Jim Baumann, is on the Smart Commute

committee said he would appreciate the support of the proclamation.

Board Discussion: Commissioners Sansom and Neidhamer are in full support. Commissioner Gaylord said it seems like a good idea, who could be against smart commuting. He recommended that the City and Main Street could pick up the tab for those who choose to use the County Transit during that time for City residents. Jim Baumann said the Transit has already thought of it. Maybe the City could donate \$100 to be a sponsor of the program. Mayor Pro-Tem Towne said it would be great to offer free transit rides on the County Transit.

2014-05 078

Moved by Neidhamer

Second by Towne

MOTION

To proclaim June 2 – 5, 2014 Smart Commute Week in the City of Boyne City

Ayes: 5

Nays: 0

Absent: 0

Motion carried

2014-05 079

Moved by Gaylord

Second by Neidhamer

MOTION

To provide a sponsorship on behalf of the citizens of Boyne City for an up-to cap of \$200 to the Charlevoix County Transit usage for the Citizens of Boyne City for the Smart Commute Week of June 2 – 5, 2014 for all forms of alternative transportation

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Mayor Pro-Tem Towne asked if a dead end sign could be installed on Second Street. He also inquired if donations to Stroll the Streets are down since food trucks have been discussed. Hugh Conklin said they will be pretty equal to what they were last year.

Good of the Order

Commissioner Gaylord inquired about the drainage issue on Jefferson Street. He also inquired about language on e-mail content from the City Manager to Brian Thurston of the MDEQ regarding Boyne City's water fluoridation, specifically about the word "suggestions" and what did it mean?

Moved by Mayor Grunch, seconded by Commissioner Gaylord to adjourn the regular City Commission meeting of Tuesday, May 27, 2014 at 2:28 p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

**JUNE 10, 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 JUNE 10, 2014

CALL TO ORDER

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

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

Staff: Cindy Grice, Scott Mpherson, Jeff Gaither, Andy Kovolski, Hugh Conklin, Michael Cain and Barb Brooks

Others: There were 12 citizens in attendance including representatives from the Petoskey News Review and Charlevoix County News.

**CONSENT AGENDA
MOTION**

2014-06-080
Moved by Gaylord
Second by Towne

2014-06-080A
Approval of the May 27, 2014 City Facilities Public Meeting minutes as presented

2014-06-080B
Approval to purchase 10 new Discraft Baskets for the disc golf course at Avalanche Park from Discraft in the amount of \$3,077 and authorize the City Manager to execute the document

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

John McCaan said he is very happy to see movement on the noise ordinance.

CORRESPONDENCE

Tom Ericksen said he also owns an Atrium Unit and he has loved this community since he came here. The government work well, along with business, volunteers. There are thousands of people who come into town. There are so many great things. Step back, take a breath and recognize. He sees the noise ordinance as one more piece of the mosaic. Look at the different areas and structure the ordinance that way. Talk to the prosecuting attorney and he bets we can come up with a great ordinance.

CITY MANAGERS REPORT

Pat Kujawski asked if anyone can tell her if there is a deadline when something will be done to stop the water from running into her basement. It has been going on for years. How much longer. The development in the area the last several years have made the problem worse.

Correspondence from the Good Samaritan Church was received and filed.

City Manager Cain reported:

- This is the final week of the Spring Rubbish clean up. Program resumes for three weeks in the fall.

- The Charlevoix County Household Hazardous Waste collection will be held this Saturday.
- There was a ribbon cutting ceremony today for the Shopper's Dock opening.
- Drainage on Division Street has been installed and appears to be working properly.
- Evangeline Township board has voted to participate in the design and construction of Court Street
- 19 applications have been received for the Main Street Director's position.
- The new wireless speed and traffic counter has been installed

Draft Minutes of the May 1, 2014 Main Street Board Meeting; the May 1, 2014 Parks & Recreation Advisory Board Meeting; the May 5, 2014 Historic District Commission Work Session; the May 6, 2014 Zoning Board of Appeals Meeting; the May 12, 2104 Economic Development Corp Meeting; the May 12, 2014 LDFA Meeting; the May 19, 2014 Planning Commission Meeting and the May 22, 2014 Airport Advisory Board Meeting were received and filed.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

City Manager Cain discussed the City Attorney opinion letter stating that the City Commission acted in a legal manner and their decision was valid and it stands.

City Attorney fluoride vote opinion

Public Hearing and consideration to approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Jervis B Webb Company and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested.

Jervis B Webb Company Industrial Facilities Exemption

Mayor Grunch opened the Public Hearing at 7:38 p.m.

City Manager Cain discussed the application received and reviewed by the City's EDC who recommended a 12 year abatement based upon information provided and criteria reviewed. 37 jobs will be retained with no new jobs created.

Citizens comments: Jim Baumann said he wholeheartedly supports this. They are good corporate citizens. Mr. Baumann also urged everyone to support the upcoming ballot proposal to eliminate personal property tax.

Mark Anthony of Jervis B. Webb Company said they are looking to stay competitive and above the game.

Board Discussion: Mayor Pro-Tem Towne supports the request and the reinvestment in the business. Commissioner Gaylord said he is absolutely for this. It's a small tool to allow them to reinvest the capital in the community and reinvest otherwise tax dollars in the community. Commissioner Sansom said she is in favor. It's a great business with a good reputation. Commissioner Neidhamer and Mayor Grunch are in support of the recommendation.

Mayor Grunch closed the public hearing at 7:46 p.m.

MOTION

2014-06-081
 Moved by Towne
 Second by Gaylord

To approve the recommendation from the Economic Development Corporation Board to approve a twelve year Industrial Facilities Exemption request (IFEC) from Jervis B Webb Company and authorize the City Manager and City Clerk/Treasurer to sign and submit the documents necessary to execute the abatement as requested.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Airport Improvement Plan

Consideration to approve the revised Airport Capital Improvement Plan.

City Manager Cain introduced Mike Borta from Qoe Consulting. An Airport Capital Improvement Plan was recently presented to the Airport Board who considered the plan, discussed revisions and recommended that the City Commission approve the revised plan. The plan was presented to the City Commission.

Mike Borta provided a brief overview of the plan. The Airport is in good condition. We are doing things right and have a very nice airport.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer is in support. Commissioner Gaylord is support and added that every single one of the projects is important. Commissioner Sansom is in support. Mayor Pro-Tem Towne likes the long range plan and is in favor if it helps get grants.

MOTION

2014-06-082
 Moved by Towne
 Second by Gaylord

To approve the Airport Capital Improvement Plan as presented

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Marina Phase I Renovation

Consideration to approve the additional concrete and bracing work by R B Lyons Inc (materials and labor) for the fixed finger pier reconstruction project at the marina at a cost of \$7,400 and authorize the City Manager to execute the documents

Harbormaster Barb Brooks discussed the additional concrete and bracing work that was suggested by the contractor after a better look was taken at

the concrete abutments and steel framing. The engineer reviewed this proposal and felt it would be beneficial to the longevity of the docks and the cost proposed by the contract to perform the additional work was within reason.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Sansom is in favor, do it right, it's well worth it. Commissioner Gaylord agreed that now is the time do to it and take care of what we have to make it last as long as we can. Mayor Pro-Tem Towne, Commissioner Neidhamer and Mayor Grunch are in full support.

MOTION

2014-06-083

Moved by Gaylord

Second by Sansom

To approve the additional concrete and bracing work by R B Lyons Inc (materials and labor) for the fixed finger pier reconstruction project at the marina at a cost of \$7,400 and authorize the City Manager to execute the documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Marina Pedestal Replacement

Consideration to authorize the purchase of up to 15 pedestals from Advance Electric for \$395 each with an added allowance of up to \$400 for 50 amp upgrade on four pedestals and \$23 for LED lighting upgrade on all 15 to a total estimated maximum purchase cost of \$6,670 and authorize the City Manager to execute the documents

Harbormaster Brooks discussed the pedestals that supply power, water and nightlights to the docks and their poor condition. Many of them are unattractive due to normal wear, fading and brittleness. Some are cracked, lights not working and missing covers. Due to the age of these units, its very difficult and sometimes impossible to get parts for them. We received pricing from Advance Electric on some units they have in stock that are sitting in their warehouse that are brand new but never installed.

Also discussed was the estimate of costs of electrical installation of the pedestals. City Manager Cain said he thinks it would be okay to recommend \$4,000 for installation and Barb agrees its reasonable.

Staff Comments: Hugh Conklin said this is the first impression of Boyne City. We have to put our best foot forward.

Board Discussion: Commissioner Neidhamer thinks the \$4,000 estimate for installation is too low. Commissioner Sansom said she would be in favor of purchasing more than two extra pedestals, buy them all. Can we try to sell our old ones? Commissioner Gaylord inquired if this design is a

new, older model, is it still available? Barb said not the exact pedestal, but the company is. Commissioner Gaylord agreed safety is #1 paramount. He also concurs with raising the cap of the cost of installation to get as many done as possible. Mayor Pro-Tem Towne said we should take Advance Electric's offer on these pedestals.

MOTION

2014-06-084

Moved by Sansom
Second by Neidhamer

To authorize the purchase of up to 23 pedestals from Advance Electric for \$395 each with an added allowance of up to \$400 for 50 amp upgrade on four pedestals and \$23 for LED lighting upgrade on all and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

MOTION

2014-06-085

Moved by Neidhamer
Second by Sansom

To authorize the Harbormaster to review the estimates provided and use the best judgment and knowledge for installation of the pedestals at the Marina.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Cemetery Entrance
Closures**

Consideration to close off the two entrances to Maple Lawn Cemetery on Boyne Avenue as noted on the attached map at a cost of \$1,827.50 and authorize the City Manager to execute the documents; in addition, authorize staff to create a green space where the roads and entrances exist at an approximate cost of \$1,000.

Clerk/Treasurer Grice provided a proposal from Harbor Fence to permanently close two of the entrances from Boyne Avenue into Maple Lawn Cemetery at a cost of \$1,827.50. This is based on a recommendation from the Cemetery Fence Advisory committee. It is anticipated that there will be an additional \$1,000 expense to create a green space where the roads and entrances currently exist.

Staff Comments: None

Citizens Comments: None

Board Discussion: Mayor Pro-Tem Towne said he believes it would enhance the look and supports the recommendation. All other Commissioners are in support as well.

2014-06-086
 Moved by Towne
 Second by Gaylord

MOTION

To close off the two entrances to Maple Lawn Cemetery on Boyne Avenue as noted on the attached map at a cost of \$1,827.50 and authorize the City Manager to execute the documents; in addition, authorize staff to create a green space where the roads and entrances exist at an approximate cost of \$1,000.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Consideration to approve a resolution to establish a request for funding, designate an agent, attest to the existence of funds to carry out various infrastructure projects, and commit to implementing a maintenance program for infrastructure funded by the Safe Routes To School program.

**Safe Routes To School
 Grant Proposal**

Planning Director Scott McPherson discussed the Safe Routes to School program. This program provides funds to the states to substantially improve the ability of primary and middle school students to walk and bicycle to school safely. Each state administers its own SRTS program and develops its own procedures to solicit and select projects for funding. It is administered by the Office of Economic Development of the Michigan Dept of Transportation. Each elementary and middle school is eligible for funding up to \$200,000 per school for infrastructure improvements and eligible for up to \$8,000 per school for education programs. To be eligible for SRTS funding, the community must complete a community assessment. With the assistance of the Northwest Michigan Health Department, community representatives, Boyne City Schools and City staff completed the community assessment. Now that our community assessment and action plan have been completed, the City is eligible to submit a grant request. Based on the plans, the City is eligible to submit a grant request for projects identified in the Engineering category. Funding for infrastructure projects is 100%. Scott provided a list of the priorities identified based on the assessment.

Susan Pulaski of the Northwest Michigan Health Department stated this is geared for k-8 grades, trying to motivate kids to walk or bike to school.

Boyne City Schools Superintendent Peter Moss said any way to get them walking and riding. Student safety is of utmost importance. This has been a good partnership. He added the School Board held discussion and is totally behind this.

Staff Comments: None

Citizens Comments: None

Board Deliberation: Commissioner Gaylord said he doesn't hate children, he doesn't hate bicycles or hate tennis shoes, but the devil is in the details. \$400,000 sounds great. His concern is the advocacy language. It's a personal choice in the family unit how they want their kids to get to school. He added we have to be careful, no matter how well intended the outcome

is. Commissioner Gaylord also said he disagreed with using taxpayer's money to buy the encouragement gifts for the students. Of course we want our kids to be safe, but to mandate or encourage, that's the government making decisions for parents. Using taxpayer money. We have to be very careful.

Commissioner Sansom said she is supportive of a lot of it. What are the encouragement items? She doesn't agree with encouragement items, but likes the concept of providing sidewalks and encouragement.

Susan Pulaski said the items are bike helmets, pedometers, drawstring bags with reflective lights, flashing lights and water bottles. The school is the fiduciary of that money. Commissioner Sansom said she likes the interaction with the Boyne City Police department. We do need new sidewalks.

Mayor Pro-Tem Towne said he thinks Lewis Street definitely needs a sidewalk and believes we should always look out for safety. Commissioner Neidhamer said he is in total supports this. The roll of government is to provide information, safety and opportunity. This is a win, win, win situation. Mayor Grunch said he is in full support.

2014-06-087

Moved by Towne

Second by Neidhamer

MOTION

To approve a resolution to establish a request for funding, designate an agent, attest to the existence of funds to carry out various infrastructure projects, and commit to implementing a maintenance program for infrastructure funded by the Safe Routes To School program.

Ayes: 4

Nays: 1, Commissioner Gaylord

Absent: 0

Motion carried

Consideration of recommendation that the Planning Commission annually review potential candidates for the Marvin Loding Community Pride award, considering awards for industrial, business and residential land use categories as outlined.

Marvin Loding Award

Planning Director discussed the recommendation from the Planning Commission to resume this award. From 1987 to 2006, approximately 64 awards were given out to various individuals, groups, businesses and industries. It has not been given out since 2007. The original intent of creating the award was to recognize businesses and industries that do an outstanding job in promoting and keeping Boyne City a beautiful place in which to live, work and play.

Citizens Comments: Jim Bauman said he likes the idea from the business standpoint and also sees things in his own neighborhood.

Staff Comments: None

Board Deliberation: Commissioner Neidhamer said he is in support. Mayor

Pro-Tem Towne said he there a lot of citizens take pride in their businesses and homes and is in support. Commissioner Gaylord said he is in support. It's a nice recognition when it is heartfelt and genuine. Commissioner Sansom and Mayor Grunch are also in support.

2014-06-088

Moved by Towne

Second by Sansom

MOTION

To approve that the Planning Commission annually review potential candidates for the Marvin Loding Community Pride award, considering awards for industrial, business and residential land use categories as outlined.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Police Chief Salary

Consideration of increase in Police Chief Jeff Gaither wages.

City Manager Cain discussed his recommendation to increase Police Chief Jeff Gaither's wages by \$5,000/year effective 1/1/14, receive the same 3% increase as other non-union employees effective 5/1/14 making the total wage \$62,700, receive the same general wage increase given other non union employees effective 5/1/15, plus an additional \$2,000/year wage increase added on top of the increase effective 5/1/15. Our fine police department has gotten even better under Jeff's leadership. With quality new hires, expanded training, improved equipment and better coordination with other departments, both in the City and in the area, our department is thriving. Jeff's approachable leadership style has garnered many favorable comments.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Neidhamer thanked the Chief for a job well done. The Police Department is in excellent shape. Mayor Pro-Tem Towne said he does agree with the great job and totally supports the recommendation. Commissioner Gaylord asked what the discussion was at the time of hiring. City Manager Cain said he started with a lower wage, Jeff started higher. No promises were made other than an evaluation of performance. He also recollected that there was an understanding they would evaluate as we moved forward. Commissioner Gaylord asked what he thinks is a cap. City Manager Cain said he thinks this is a balanced recommendation for this fiscal year and next. Commissioner Gaylord asked if we have comparables and was informed that the City manager did share them with the Commissioners earlier. Commissioner Gaylord asked the Police Chief what his version of where he's at and where he thinks he should be. Chief Gaither said thru a series of meeting with the City Manager, they came up with an agreement. He felt it was fair where he's at and the things he's brought to the department. He doesn't have any comparables and thinks where we ended up is somewhere in the middle. He added it's a comfortable level they both agree on. Commissioner

Sansom told the Chief we are fortunate to have you. Mayor Grunch said he's in full support, the Chief is an excellent team leader, has professionalism and is out there in the public above and beyond.

MOTION

2014-06-089

Moved by Neidhamer
Second by Sansom

To increase Police Chief Jeff Gaither's wages by \$5,000/year effective 1/1/14, receive the same 3% increase as other non-union employees effective 5/1/14 making the total wage \$62,700, receive the same general wage increase given other non union employees effective 5/1/15, plus an additional \$2,000/year wage increase added on top of the increase effective 5/1/15.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to schedule a public hearing at the July 8, 2014 City Commission meeting to receive input on City Facilities and the concepts presented by Environment Architects.

City Facilities Public Hearing

City Manager Cain recommended a public hearing to consider recommendations regarding selecting a concept to move forward with. Such a determination could take place at that or at a subsequent Commission meeting.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement. Commissioner Gaylord said we need to keep the process moving forward.

2014-06-090

Moved by Grunch
Second by Gaylord

MOTION

To schedule a public hearing at the July 8, 2014 City Commission meeting to receive input on City Facilities and the concepts presented by Environment Architects.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Consideration to change the start time of the June 24, 2014 City Commission meeting from noon to 7:00 pm.

June 24, 2014 Meeting Time

City Manager Cain discussed the recommendation due to the 2nd reading for the food truck ordinance schedule to be considered at that meeting.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

2014-06-091

Moved by Grunch

Second by Towne

MOTION

To change the start time of the June 24, 2014 City Commission meeting from noon to 7:00 pm.

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Commissioner Sansom discussed the hanging electrical box on the pole on the corner of Water and S. Park next to Ace Hardware that is an obstruction and seems like a hazard. Is there any way to move it? Commissioner Gaylord said he received a call from a business owner regarding food trucks. He asked the City Manager for information on case law on setbacks legality in the Central Business District. That would have an impact on how he would move forward. He doesn't want to make a decision that would lead to litigation right out of the gate. He also received information regarding an incident of a food truck in Traverse City next to a 22 year old business that suffered from this. Look at unintended consequences. Do due diligence. Commissioner Neidhamer said a shout out to staff. The next eight weeks are crazy and he thanked all for making Boyne City a pretty special place in the summer.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, June 10, 2014 at 9:52 p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

CASH SUMMARY BY FUND FOR BOYNE CITY

FROM 05/01/2014 TO 05/31/2014

FUND: 101 202 203 206 209 210 211 226 242 248 251 285 295 590 592 661

CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 05/01/2014	Total Debits	Total Credits	Ending Balance 05/31/2014
101	GENERAL FUND	2,916,046.07	88,367.35	237,815.29	2,766,598.13
202	MAJOR STREET FUND	0.00	33,302.09	33,302.09	0.00
203	LOCAL STREET FUND	0.00	21,975.35	21,975.35	0.00
206	FIRE FUND	185,669.35	12,380.12	5,917.40	192,132.07
209	CEMETERY FUND	26,600.25	3,280.00	9,498.13	20,382.12
210	AMBULANCE FUND	0.00	46,533.87	46,533.87	0.00
211	SPECIAL PROJECTS FUND	2,280.45	12,172.73	0.00	14,453.18
226	RUBBISH COLLECTION FUND	0.00	0.00	0.00	0.00
242	BOYNE THUNDER FUND	108,313.61	5,870.35	862.00	113,321.96
248	DOWNTOWN DEVELOPMENT AUTHORITY	121,605.26	10,049.25	16,465.57	115,188.94
251	LDFA FUND	994,479.94	0.00	35,083.55	959,396.39
285	MARINA FUND	228,620.05	24,724.78	35,375.27	217,969.56
295	AIRPORT FUND	35,581.41	13,678.37	22,119.92	27,139.86
590	WASTEWATER FUND	1,841,143.66	120,801.47	30,747.66	1,931,197.47
592	WATER FUND	360,303.94	36,084.58	22,510.29	373,878.23
661	MOTOR POOL FUND	853,211.87	10,827.07	8,273.07	855,765.87
	TOTAL - ALL FUNDS	7,673,855.86	440,047.38	526,479.46	7,587,423.78

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% B DGT USED
	AMENDED BUDGET	05/31/2014 NORMAL (ABNORM)	MONTH 05/31/20 INCREASE (DECR)	BALANCE NORMAL (ABNORM)	
Fund 101 - GENERAL FUND					
Revenues					
031-REVENUES	3,656,995.00	0.00	0.00	3,656,995.00	0.00
032-REVENUES	992,078.00	49,519.00	49,519.00	942,559.00	4.99
033-REVENUES	142,500.00	0.00	0.00	142,500.00	0.00
034-REVENUES	152,500.00	1,460.15	1,460.15	151,039.85	0.96
035-REVENUES	13,200.00	1,242.43	1,242.43	11,957.57	9.41
036-REVENUES	77,784.00	10,739.50	10,739.50	67,044.50	13.81
TOTAL Revenues	5,035,057.00	62,961.08	62,961.08	4,972,095.92	1.25
Expenditures					
101-LEGISLATIVE	20,695.00	9,354.27	9,354.27	11,340.73	45.20
151-PLANNING	170,363.00	9,208.25	9,208.25	161,154.75	5.41
173-GENERAL SERVICES	586,324.00	30,476.73	30,476.73	555,847.27	5.20
191-ELECTIONS	2,300.00	361.61	361.61	1,938.39	15.72
208-ACCOUNTING/AUDIT	12,800.00	0.00	0.00	12,800.00	0.00
209-ASSESSMENT/TAXES	70,610.00	4,513.33	4,513.33	66,096.67	6.39
210-LEGAL	60,000.00	0.00	0.00	60,000.00	0.00
248-GENERAL/OTHER SERVICES	161,300.00	2,370.45	2,370.45	158,929.55	1.47
250-HOUSING	0.00	30.16	30.16	(30.16)	100.00
265-PUBLIC BUILDINGS	1,195,240.00	6,165.82	6,165.82	1,189,074.18	0.52
301-POLICE DEPARTMENT	673,774.00	30,506.63	30,506.63	643,267.37	4.53
706-ENVIRONMENTAL	825.00	0.00	0.00	825.00	0.00
751-PARKS & RECREATION	327,900.00	16,056.77	16,056.77	311,843.23	4.90
804-MUSEUM	3,177.00	123.19	123.19	3,053.81	3.88
809-SIDEWALKS	808,000.00	0.00	0.00	808,000.00	0.00
899-CONTINGENCY	35,992.00	884.46	884.46	35,107.54	2.46
965-TRANSFERS OUT	905,757.00	67,125.63	67,125.63	838,631.37	7.41
TOTAL Expenditures	5,035,057.00	177,177.30	177,177.30	4,857,879.70	3.52
Fund 101 - GENERAL FUND:					
TOTAL REVENUES	5,035,057.00	62,961.08	62,961.08	4,972,095.92	1.25
TOTAL EXPENDITURES	5,035,057.00	177,177.30	177,177.30	4,857,879.70	3.52
NET OF REVENUES & EXPENDITURES	0.00	(114,216.22)	(114,216.22)	114,216.22	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDT USED
	AMENDED BUDGET	05/31/2014 NORMAL (ABNORM)	MONTH 05/31/20 INCREASE (DECR)	BALANCE NORMAL (ABNORM)	
Fund 202 - MAJOR STREET FUND					
Revenues					
030-REVENUES	1,540,719.00	31,516.06	31,516.06	1,509,202.94	2.05
TOTAL Revenues	1,540,719.00	31,516.06	31,516.06	1,509,202.94	2.05
Expenditures					
451-CONSTRUCTION	1,021,070.00	0.00	0.00	1,021,070.00	0.00
463-ROUTINE MAINTANCE	197,700.00	6,336.93	6,336.93	191,363.07	3.21
474-TRAFFIC SERVICE	32,200.00	61.11	61.11	32,138.89	0.19
478-WINTER MAINTENANCE	148,000.00	1,706.12	1,706.12	146,293.88	1.15
482-ADMINISTRATION	141,749.00	2,587.07	2,587.07	139,161.93	1.83
TOTAL Expenditures	1,540,719.00	10,691.23	10,691.23	1,530,027.77	0.69
Fund 202 - MAJOR STREET FUND:					
TOTAL REVENUES	1,540,719.00	31,516.06	31,516.06	1,509,202.94	2.05
TOTAL EXPENDITURES	1,540,719.00	10,691.23	10,691.23	1,530,027.77	0.69
NET OF REVENUES & EXPENDITURES	0.00	20,824.83	20,824.83	(20,824.83)	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 203 - LOCAL STREET FUND					
Revenues					
030-REVENUES	537,381.00	21,209.91	21,209.91	516,171.09	3.95
TOTAL Revenues	537,381.00	21,209.91	21,209.91	516,171.09	3.95
Expenditures					
451-CONSTRUCTION	20,763.00	0.00	0.00	20,763.00	0.00
463-ROUTINE MAINTANCE	308,100.00	11,140.31	11,140.31	296,959.69	3.62
474-TRAFFIC SERVICE	19,625.00	0.00	0.00	19,625.00	0.00
478-WINTER MAINTENANCE	120,610.00	1,705.81	1,705.81	118,904.19	1.41
482-ADMINISTRATION	68,283.00	2,561.96	2,561.96	65,721.04	3.75
TOTAL Expenditures	537,381.00	15,408.08	15,408.08	521,972.92	2.87
Fund 203 - LOCAL STREET FUND:					
TOTAL REVENUES	537,381.00	21,209.91	21,209.91	516,171.09	3.95
TOTAL EXPENDITURES	537,381.00	15,408.08	15,408.08	521,972.92	2.87
NET OF REVENUES & EXPENDITURES	0.00	5,801.83	5,801.83	(5,801.83)	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 206 - FIRE FUND					
Revenues					
030-REVENUES	293,000.00	(248,289.28)	(248,289.28)	541,289.28	(84.74)
TOTAL Revenues	<u>293,000.00</u>	<u>(248,289.28)</u>	<u>(248,289.28)</u>	<u>541,289.28</u>	<u>(84.74)</u>
Expenditures					
040-EXPENDITURES	266,341.00	5,113.38	5,113.38	261,227.62	1.92
TOTAL Expenditures	<u>266,341.00</u>	<u>5,113.38</u>	<u>5,113.38</u>	<u>261,227.62</u>	<u>1.92</u>
Fund 206 - FIRE FUND:					
TOTAL REVENUES	293,000.00	(248,289.28)	(248,289.28)	541,289.28	84.74
TOTAL EXPENDITURES	266,341.00	5,113.38	5,113.38	261,227.62	1.92
NET OF REVENUES & EXPENDITURES	<u>26,659.00</u>	<u>(253,402.66)</u>	<u>(253,402.66)</u>	<u>280,061.66</u>	<u>950.53</u>

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDC USED
Fund 209 - CEMETERY FUND					
Revenues					
030-REVENUES	68,755.00	3,280.00	3,280.00	65,475.00	4.77
TOTAL Revenues	<u>68,755.00</u>	<u>3,280.00</u>	<u>3,280.00</u>	<u>65,475.00</u>	<u>4.77</u>
Expenditures					
040-EXPENDITURES	68,755.00	9,401.88	9,401.88	59,353.12	13.67
TOTAL Expenditures	<u>68,755.00</u>	<u>9,401.88</u>	<u>9,401.88</u>	<u>59,353.12</u>	<u>13.67</u>
Fund 209 - CEMETERY FUND:					
TOTAL REVENUES	68,755.00	3,280.00	3,280.00	65,475.00	4.77
TOTAL EXPENDITURES	68,755.00	9,401.88	9,401.88	59,353.12	13.67
NET OF REVENUES & EXPENDITURES	0.00	(6,121.88)	(6,121.88)	6,121.88	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR	AVAILABLE BALANCE NORMAL (ABNORM	% BDT USED
Fund 210 - AMBULANCE FUND					
Revenues					
030-REVENUES	749,535.00	76,012.27	76,012.27	673,522.73	10.14
032-REVENUES	147,527.00	15,156.00	15,156.00	132,371.00	10.27
TOTAL Revenues	897,062.00	91,168.27	91,168.27	805,893.73	10.16
Expenditures					
040-EXPENDITURES	749,535.00	50,354.95	50,354.95	699,180.05	6.72
045-EXPENSES	182,000.00	0.00	0.00	182,000.00	0.00
TOTAL Expenditures	931,535.00	50,354.95	50,354.95	881,180.05	5.41
Fund 210 - AMBULANCE FUND:					
TOTAL REVENUES	897,062.00	91,168.27	91,168.27	805,893.73	10.16
TOTAL EXPENDITURES	931,535.00	50,354.95	50,354.95	881,180.05	5.41
NET OF REVENUES & EXPENDITURES	(34,473.00)	40,813.32	40,813.32	(75,286.32)	118.39

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 211 - SPECIAL PROJECTS FUND					
Revenues					
030-REVENUES	0.00	12,172.73	12,172.73	(12,172.73)	100.00
TOTAL Revenues	0.00	12,172.73	12,172.73	(12,172.73)	100.00
Fund 211 - SPECIAL PROJECTS FUND:					
TOTAL REVENUES	0.00	12,172.73	12,172.73	(12,172.73)	100.00
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES	0.00	12,172.73	12,172.73	(12,172.73)	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 226 - RUBBISH COLLECTION FUND					
Revenues					
030-REVENUES	35,100.00	0.00	0.00	35,100.00	0.00
TOTAL Revenues	35,100.00	0.00	0.00	35,100.00	0.00
Expenditures					
040-EXPENDITURES	35,100.00	0.00	0.00	35,100.00	0.00
TOTAL Expenditures	35,100.00	0.00	0.00	35,100.00	0.00
Fund 226 - RUBBISH COLLECTION FUND:					
TOTAL REVENUES	35,100.00	0.00	0.00	35,100.00	0.00
TOTAL EXPENDITURES	35,100.00	0.00	0.00	35,100.00	0.00
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 242 - BOYNE THUNDER FUND					
Revenues					
030-REVENUES	165,000.00	5,870.35	5,870.35	159,129.65	3.56
TOTAL Revenues	<u>165,000.00</u>	<u>5,870.35</u>	<u>5,870.35</u>	<u>159,129.65</u>	<u>3.56</u>
Expenditures					
040-EXPENDITURES	140,100.00	650.00	650.00	139,450.00	0.46
TOTAL Expenditures	<u>140,100.00</u>	<u>650.00</u>	<u>650.00</u>	<u>139,450.00</u>	<u>0.46</u>
Fund 242 - BOYNE THUNDER FUND:					
TOTAL REVENUES	165,000.00	5,870.35	5,870.35	159,129.65	3.56
TOTAL EXPENDITURES	<u>140,100.00</u>	<u>650.00</u>	<u>650.00</u>	<u>139,450.00</u>	<u>0.46</u>
NET OF REVENUES & EXPENDITURES	<u>24,900.00</u>	<u>5,220.35</u>	<u>5,220.35</u>	<u>19,679.65</u>	<u>20.97</u>

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY					
Revenues					
030-REVENUES	452,558.00	10,049.25	10,049.25	442,508.75	2.22
TOTAL Revenues	452,558.00	10,049.25	10,049.25	442,508.75	2.22
Expenditures					
731-EXPENDITURES	452,558.00	10,066.39	10,066.39	442,491.61	2.22
TOTAL Expenditures	452,558.00	10,066.39	10,066.39	442,491.61	2.22
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:					
TOTAL REVENUES	452,558.00	10,049.25	10,049.25	442,508.75	2.22
TOTAL EXPENDITURES	452,558.00	10,066.39	10,066.39	442,491.61	2.22
NET OF REVENUES & EXPENDITURES	0.00	(17.14)	(17.14)	17.14	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDT USED
Fund 251 - LDFA FUND					
Revenues					
030-REVENUES	887,841.00	0.00	0.00	887,841.00	0.00
TOTAL Revenues	<u>887,841.00</u>	<u>0.00</u>	<u>0.00</u>	<u>887,841.00</u>	<u>0.00</u>
Expenditures					
040-EXPENDITURES	887,841.00	35,083.55	35,083.55	852,757.45	3.95
TOTAL Expenditures	<u>887,841.00</u>	<u>35,083.55</u>	<u>35,083.55</u>	<u>852,757.45</u>	<u>3.95</u>
Fund 251 - LDFA FUND:					
TOTAL REVENUES	887,841.00	0.00	0.00	887,841.00	0.00
TOTAL EXPENDITURES	887,841.00	35,083.55	35,083.55	852,757.45	3.95
NET OF REVENUES & EXPENDITURES	<u>0.00</u>	<u>(35,083.55)</u>	<u>(35,083.55)</u>	<u>35,083.55</u>	<u>100.00</u>

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 285 - MARINA FUND					
Revenues					
030-REVENUES	372,000.00	24,636.00	24,636.00	347,364.00	6.62
TOTAL Revenues	<u>372,000.00</u>	<u>24,636.00</u>	<u>24,636.00</u>	<u>347,364.00</u>	<u>6.62</u>
Expenditures					
040-EXPENDITURES	372,000.00	5,259.38	5,259.38	366,740.62	1.41
TOTAL Expenditures	<u>372,000.00</u>	<u>5,259.38</u>	<u>5,259.38</u>	<u>366,740.62</u>	<u>1.41</u>
Fund 285 - MARINA FUND:					
TOTAL REVENUES	372,000.00	24,636.00	24,636.00	347,364.00	6.62
TOTAL EXPENDITURES	372,000.00	5,259.38	5,259.38	366,740.62	1.41
NET OF REVENUES & EXPENDITURES	<u>0.00</u>	<u>19,376.62</u>	<u>19,376.62</u>	<u>(19,376.62)</u>	<u>100.00</u>

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 295 - AIRPORT FUND					
Revenues					
030-REVENUES	143,400.00	8,970.62	8,970.62	134,429.38	6.26
TOTAL Revenues	143,400.00	8,970.62	8,970.62	134,429.38	6.26
Expenditures					
040-EXPENDITURES	143,400.00	73.22	73.22	143,326.78	0.05
TOTAL Expenditures	143,400.00	73.22	73.22	143,326.78	0.05
Fund 295 - AIRPORT FUND:					
TOTAL REVENUES	143,400.00	8,970.62	8,970.62	134,429.38	6.26
TOTAL EXPENDITURES	143,400.00	73.22	73.22	143,326.78	0.05
NET OF REVENUES & EXPENDITURES	0.00	8,897.40	8,897.40	(8,897.40)	100.00

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 590 - WASTEWATER FUND					
Revenues					
030-REVENUES	1,221,522.00	(61,975.93)	(61,975.93)	1,283,497.93	(5.07)
TOTAL Revenues	1,221,522.00	(61,975.93)	(61,975.93)	1,283,497.93	(5.07)
Expenditures					
590-EXPENDITURES	1,159,840.00	21,121.81	21,121.81	1,138,718.19	1.82
TOTAL Expenditures	1,159,840.00	21,121.81	21,121.81	1,138,718.19	1.82
Fund 590 - WASTEWATER FUND:					
TOTAL REVENUES	1,221,522.00	(61,975.93)	(61,975.93)	1,283,497.93	5.07
TOTAL EXPENDITURES	1,159,840.00	21,121.81	21,121.81	1,138,718.19	1.82
NET OF REVENUES & EXPENDITURES	61,682.00	(83,097.74)	(83,097.74)	144,779.74	134.72

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BDGT USED
Fund 592 - WATER FUND					
Revenues					
032-REVENUES	605,380.00	(40,448.52)	(40,448.52)	645,828.52	(6.68)
TOTAL Revenues	<u>605,380.00</u>	<u>(40,448.52)</u>	<u>(40,448.52)</u>	<u>645,828.52</u>	<u>(6.68)</u>
Expenditures					
592-EXPENDITURES	564,400.00	15,221.92	15,221.92	549,178.08	2.70
TOTAL Expenditures	<u>564,400.00</u>	<u>15,221.92</u>	<u>15,221.92</u>	<u>549,178.08</u>	<u>2.70</u>
Fund 592 - WATER FUND:					
TOTAL REVENUES	605,380.00	(40,448.52)	(40,448.52)	645,828.52	6.68
TOTAL EXPENDITURES	<u>564,400.00</u>	<u>15,221.92</u>	<u>15,221.92</u>	<u>549,178.08</u>	<u>2.70</u>
NET OF REVENUES & EXPENDITURES	40,980.00	(55,670.44)	(55,670.44)	96,650.44	135.85

PERIOD ENDING 05/31/2014

ACCOUNT DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 05/31/2014 NORMAL (ABNORM)	ACTIVITY FOR MONTH 05/31/20 INCREASE (DECR)	AVAILABLE BALANCE NORMAL (ABNORM)	% BGD USED
Fund 661 - MOTOR POOL FUND					
Revenues					
030-REVENUES	481,950.00	10,656.97	10,656.97	471,293.03	2.21
TOTAL Revenues	481,950.00	10,656.97	10,656.97	471,293.03	2.21
Expenditures					
040-EXPENDITURES	481,950.00	5,228.14	5,228.14	476,721.86	1.08
TOTAL Expenditures	481,950.00	5,228.14	5,228.14	476,721.86	1.08
Fund 661 - MOTOR POOL FUND:					
TOTAL REVENUES	481,950.00	10,656.97	10,656.97	471,293.03	2.21
TOTAL EXPENDITURES	481,950.00	5,228.14	5,228.14	476,721.86	1.08
NET OF REVENUES & EXPENDITURES	0.00	5,428.83	5,428.83	(5,428.83)	100.00
TOTAL REVENUES - ALL FUNDS	12,736,725.00	(68,222.49)	(68,222.49)	12,804,947.49	0.54
TOTAL EXPENDITURES - ALL FUNDS	12,616,977.00	360,851.23	360,851.23	12,256,125.77	2.86
NET OF REVENUES & EXPENDITURES	119,748.00	(429,073.72)	(429,073.72)	548,821.72	358.31



City of Boyne City

MEMO

Agenda Item 8A

Date: June 21, 2014 - Revised
To: Michael Cain, City Manager 
From: Annie Doyle, Assistant Planner

Subject: Mobile Food Vending Ordinance

Since the May 13th City Commission meeting in which a first reading was held for mobile food vending regulations, City staff members have received considerable negative feedback regarding mobile food vendors operating within the City limits.

On June 13th Jim Baumann, the Chamber of Commerce Executive Director, forwarded a letter to City staff signed by representatives from 10 local restaurants in opposition of food trucks/mobile vending (*Please see attached*). On June 18, 2014, City Staff met with these business owners and citizens at the Boyne District Library. Of those attending the meeting, 26 people were in opposition of food trucks and 1 person was in favor of them. Mayor Grunch and Commissioner Neidhamer also attended the meeting; the Mayor spoke in opposition of food trucks on public property but was in favor of them being allowed during special events.

The City Commission has scheduled a second reading on June 24th for a mobile food vending ordinance. However, due to the concerns raised in regards to the potential impacts that food trucks may cause it is staffs opinion that the ordinance in its current form would not adequately address these issues and should not be adopted. Given the substantive changes that would be required to the proposed ordinance staff is recommending a new ordinance be developed. For discussion purposes Mayor Grunch has provided the following suggestions for regulations for food trucks which are as follows:

Food Trucks shall not be permitted on property in the down town Boyne City restaurant district. With exception, store owners may have carts, grills, and equipment that are DIRECTLY related to their business. City Permit is required. 501 C3 organizations are exempt. Food trucks are allowed in Boyne City City Parks for special events by invitation only.

To provide the City sufficient time to develop a new ordinance Staff has consulted with the City attorney in regards to establishing a moratorium on mobile food vending. In those discussions staff was advised that a moratorium must be as short as a period as possible, specifically tailored to the immediate situation and is limited in regards to the activities and uses of private property that can be restricted. Based on these parameters legal counsel has prepared a moratorium for consideration by the Commission.

RECOMMENDATION

Reject the proposed Mobile Food Vending ordinance and adopt the moratorium as presented to provide the time necessary for the research and development new regulations to address mobile food vending.

OPTIONS

1. Reject the ordinance and do not adopt the moratorium
2. Adopt the ordinance as presented.
3. Postpone action pending further information.
4. Other action as determined by the Commission.

Chapter 67

MERCHANT AND VENDOR LICENSES

Article I. Mobile Food Vending

- Sec. 67-1* *Definitions*
- Sec. 67-2* *Exemptions*
- Sec. 67-3* *Permit Required.*
- Sec. 67-4* *Duration; Non-transferability.*
- Sec. 67-5* *Application.*
- Sec. 67-6* *Fees.*
- Sec. 67-7* *Location.*
- Sec. 67-8* *Requirements.*
- Sec. 67-9* *Impoundment.*
- Sec. 67-10* *Other Permits.*
- Sec. 67-11* *Revocation.*
- Sec. 67-12* *Civil Infraction.*

ARTICLE I. MOBILE FOOD VENDING

Sec. 67-1. Definitions.

Mobile Food Vending shall mean vending, serving, or offering for sale *prepared food and/or beverages intended for immediate consumption* from a mobile food vending unit; *this does not include the sale of other non-food related merchandise or services.*

Mobile Food Vending Unit shall mean any motorized or non-motorized vehicle, trailer, cart or other device designed to be portable and not permanently attached to the ground *which is used for mobile food vending.*

Vendor shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating a single stand, cart or other means or conveyance.

Operate shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the Mobile Food Vending Unit is open for business.

Community Event shall mean *a gathering that occurs in a certain place during a specific interval of time in which the general public is able to attend.*

Operating Restaurant shall mean *a brick and mortar food establishment that is open to the general public at least five (5) days a week on a regular basis.*

Sec. 67-2. Exemptions.

Mobile Food Vendors associated with community events and operated by locally based non-profit organizations are exempt from the provisions of this ordinance.

Sec. 67-3. Permit Required.

No vendor shall engage in Mobile Food Vending without an annual permit from the City authorizing such vending. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this code.

Sec. 67-4. Duration; Non-transferability.

Permits are effective May 1st of each calendar year and must be renewed annually. Any Mobile Food Vending permit issued by the City is non-transferable.

Sec. 67-5. Application.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City for a Mobile Food Vending Permit. The applicant shall truthfully state, in full, all information requested in the application and be accompanied by the

fees established by the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City. An application fee shall be charged to each applicant.

Sec. 67-6. Fees.

There shall be no pro-rating of fees. Fees are non-refundable once a permit has been issued. If operating on non-city property, no license fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this code.

Sec. 67-7. Location.

Mobile Food Vending will be allowed on private property in the Central Business District (CBD), the General Commercial District (GCD), and the Waterfront Marina District (WMD).

No mobile food vending unit shall be located within 50 feet from the property line of an operating restaurant in the designated private property areas.

Mobile Food Vending Units may be allowed in designated public locations as determined by the City Commission.

Sec. 67-8. Requirements.

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

- 1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- 2) If operating on city-owned or controlled property, may only locate on such property as approved by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
- 3) Not use any flashing or blinking lights or strobe lights.
- 4) Not use music, amplification devices or "crying out" or any other audible methods to gain attention.
- 5) *Not have signs other than what is affixed to the mobile food vending unit; no sandwich boards or other signs will be allowed.*
- 6) Shall not utilize any electricity, water or other utilities without the prior written authorization of the power customer; no cable, hoses or similar devices shall be extended across any city street, alley, or sidewalk unless approved in advance by the City.
- 7) Within the designated Mobile Food Vending Areas, a mobile food vendor may only operate between the hours of 7:30 a.m. and 10:30 p.m.
- 8) In public property locations within the designated Mobile Food Vending Areas, no mobile food vending unit may be left unattended for more than 2 hours; and

any mobile food vending unit not in operation shall be removed between the hours of 10:30 p.m. and 7:30 a.m.

- 9) Prior to the commencement of operations on public property the mobile food vendor shall provide to the City proof of general liability insurance in the amount of \$1,000,000 naming the City as an additional insured.
- 10) The mobile food vending unit must comply with all applicable City codes and ordinances.
- 11) The mobile food vending unit must comply with all applicable federal, state and county regulations.

Sec. 67-09. Impoundment.

Any equipment associated with food vending that are not in compliance with this code and left on public property may be impounded at the owner's expense.

Sec. 67-10. Other Permits.

A permit obtained under this code shall not relieve any vendor of the responsibility for obtaining any other permit, license, or authorization required by any other ordinance, statute or administrative rule.

Sec. 67-11. Revocation.

The City shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this code or violates any other federal, state, or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Sec. 67-12. Civil Infraction.

A vendor who violates this code is responsible for a civil infraction and subject to a fine of \$500 per day.



MEMORANDUM

TO: Michael Cain, City Manager 
Boyne City City Commission

FROM: James Murray
jmurray@plunkettcooney.com
(231) 348-6413

Rhonda Stowers
rstowers@plunkettcooney.com
(810) 342-7003

DATE: June 20, 2014

RE: Moratorium issue

FILE NO. 06056.60760

The City of Boyne City asked for a legal opinion concerning a moratorium on mobile food truck vending units, with the exception of special events and charity organizations. For the reasons below, it is our opinion that a narrowly drafted moratorium would be appropriate given our understanding of the circumstances.

In Home Bldg. & Loan Ass'n v. Blaisdell, 290 U.S. 398, 444-445 (1934), the United States Supreme Court identified five factors that are critical to an appropriate moratorium:

- 1) The existence of an emergency sufficiently appropriate to exercise the City's power to protect vital community interests;
- 2) The legislation has a legitimate end (a basic interest of society) and is not merely a tool to benefit particular individuals;
- 3) The relief afforded by the moratorium must be tailored to the emergency;
- 4) The moratorium is reasonable in its terms; and
- 5) The duration is limited in duration to the time of the emergency.

As we understand the current circumstances in the City of Boyne City, there have been numerous entities (approximately 11) who have recently expressed an interest in selling prepared food and/or beverages intended for immediate consumption from vehicles, trailers, carts and other portable devices in the City. Such units have previously only been allowed on public property for charity drives and other special events of a limited duration. This has been the past practice of the City for decades.

It has been suggested that the City needs time to assess these requests and determine the impact such sales would have upon the local economy and the City's tax revenue base. As the units are mobile, they have the potential for a competitive edge over established food and beverage businesses that are required to pay property taxes and rent, and could serve to erode current tax revenues and downtown business vitalization. As indicated in *One World One Family Now v. City and County of Honolulu*, 76 F.3d 1009 (9th Cir.1996) (cited with approval in *Dog Pound, LLC v. City of Monroe*, 913 F.Supp.2d 426 (E.D. Mich. 2012), *aff'd*, 2014 WL 929154 (6th Cir., Mar. 10, 2014)) governments may have a substantial interest in protecting against this type of unfair competition. The 9th Circuit likewise found "a total ban on sales by street vendors in public spaces" to be appropriate.

There are additional questions to be addressed as well if more frequent sales of this type are permitted, such as parking, blight/litter, noise, odor, crowd control, and the maintenance of product quality for the safety and welfare of the citizens of the City. Appropriate locations would need to be determined to facilitate vehicular and foot traffic flow, maintain clear sight distances, address potential nuisances, promote esthetics and minimize distractions.

It will take time to review and investigate these issues and to craft an appropriate ordinance to protect the health, safety and welfare of citizens with regard to the above issues. This is an emergent problem, as the summer tourism season is fast approaching. Without a moratorium, there is a potential for a scattered and unorganized proliferation of these units, resulting in traffic and parking issues, etc. at a time when the City has an influx of tourists.

A brief moratorium (up to 90 days) that ensures the continuation of the past practice until these issues can be reviewed and addressed through an appropriate ordinance would be defensible, based upon the above.

However, a City-wide ban of all transient merchants of any kind for six months, as has been suggested, does not comply with the above-listed factors requisite for a moratorium. Although commercial speech is afforded less protection under the Constitution than political speech (or speech relating to particular causes or for particular views on economic, political, or social issues, such as charitable speech), it is nonetheless protected to some degree. *Central Hudson Gas & Electric Corp v. Public Service Comm.*, 447 U.S. 557 (1980). As explained in that case:

If the communication is neither misleading nor related to unlawful activity, the government's power is more circumscribed. The State must assert a substantial interest to be achieved by restrictions on commercial speech. Moreover, the regulatory technique must be in proportion to that interest. The limitation on expression must be designed carefully to achieve the State's goal. Compliance

with this requirement may be measured by two criteria. First, the restriction must directly advance the state interest involved; the regulation may not be sustained if it provides only ineffective or remote support for the government's purpose. Second, if the governmental interest could be served as well by a more limited restriction on commercial speech, the excessive restrictions cannot survive. *Id.* at 564.

A total ban on sales by any transient on any property anywhere in the City for the duration of the year is not sufficiently tailored in scope, duration or to the emergency at hand given the above factors. It is our recommendation that if the City determines that a moratorium is appropriate, that the moratorium be limited as set forth above. If, after review, it is deemed to be too narrowly tailored, the issue can be revisited at a subsequent meeting. A proposed moratorium has been included for your review.

We would be happy to discuss this issue with you further.

Open.06056.60760.14214682-2

CITY OF BOYNE CITY

RESOLUTION REGARDING A MORATORIUM ON PERMITTING TRANSIENT MOBILE FOOD VENDORS IN THE CITY OF BOYNE CITY

WHEREAS, numerous entities (approximately 11) have expressed an interest in selling prepared food and/or beverages intended for immediate consumption from vehicles, trailers, carts and other portable devices on public property in the City of Boyne City ; and

WHEREAS, the City has, for decades, issued permits for such sales only for special events and charity drives of a limited duration; and

WHEREAS, the City needs time to assess these requests and determine the impact such sales would have upon the local economy and the City’s tax revenue base, as the units are mobile and have the potential for a competitive edge over established food and beverage businesses that are required to pay property taxes and rent, thereby eroding tax revenues and local business vitalization; and

WHEREAS, there are additional issues to be considered and addressed, such as parking, blight/litter, noise, odors, crowd control, and the maintenance of the quality of the product for the safety and welfare of the citizens of the City, appropriate locations to facilitate vehicular and foot traffic flow, maintain clear sight distances, prevent distractions and other safety concerns, address potential nuisances and promote esthetics; and

WHEREAS, it is in the best interest of the City to consider these issues and to enact any appropriate legislation relating to the sale of prepared food and/or beverages intended for immediate consumption from vehicles, trailers, carts and other portable devices in the City; and

WHEREAS, the City believes it is in the best interest of the City and its citizens and otherwise appropriate to impose a moratorium on such sales consistent with historical practice until appropriate legislation can be drafted in accordance with the above;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby imposes a moratorium on permitting the sale of prepared food and/or beverages intended for immediate consumption from vehicles, trailers, carts and other portable devices on public property in the City of Boyne City, aside from special events as approved by the City pursuant to historical practice, for a period not to exceed 90 days, unless such period be further extended by resolution to allow the City to consider and address the above issues.

This resolution shall have immediate effect.

Council Member _____ moved for adoption of the resolution; Motion seconded by

Council Member _____

Ayes:

Nays:

June _____, 2014

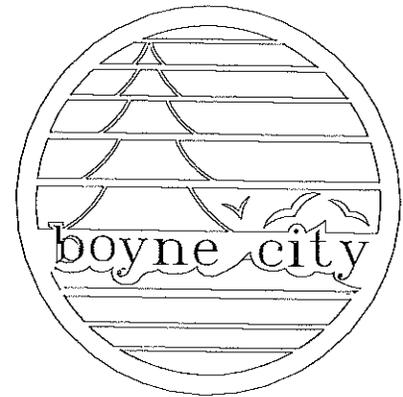
Cindy Grice, City Clerk/Treasurer for the City of Boyne City, does hereby certify the foregoing to be a true and correct copy of a resolution that was adopted by the City Council of the City of Boyne City at a regular meeting on the _____ day of June, 2014.

Cindy Grice
City Clerk/Treasurer

Open.06056.60760.14214667-1

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director *SM*
Date: June 24, 2014
Subject: Property Sale



Background

As directed by the Commission on May 27, 2014, Lot 0 of CG Lewis Addition was advertised for sale. The parcel is located in the Traditional Residential Zoning District and is approximately 8,600 square feet with 130 feet of frontage on Lewis Street. The parcel is irregularly shaped but it meets ordinance criteria for lot area and frontage. Water service is available to the parcel but sanitary sewer is not. As the parcel is owned by the City it does not have an assessed value. For comparison purposes the vacant parcel on the south side of 427 Lewis has a 2013 SEV of \$8,400 and a TCV of \$15,513.

Discussion

The property was advertised for sale through the City website, the Boyne City Gazette, Craigslist and postings on the property. Bids on the property were due at 2pm June 19, 2014. One bid on the property was received from Indian Garden Associates LLC for \$5,200.

Recommendation

Accept the bid of \$5,200 from Indian Garden Associates LLC for the purchase of Lot 0 of CG Lewis Addition and authorize the City Manager sign all necessary documents to facilitate the sale.

Options

- Do not accept the bid
- Postpone for further information
- Other action as determined by the City Commission



PURCHASE AGREEMENT



Date June 19, 2014

1. The undersigned, Indian Garden Associates, LLC and (the Buyer) offers to buy through Selling Realtor, David Shuman, Real Estate One, and Listing Realtor, N/A (City of Boyne City) the following Property located in the City/Twp. of Boyne City, County of Charlevoix, Michigan, known as (Address) Lewis St and legally described as: CITY OF BOYNE CITY, C G LEWIS ADDITION TO BOYNE LOT 0

subject to any existing building and use restrictions, zoning ordinances and easements of record for the sum of \$ 5,200.00 (Five thousand two hundred dollars and 00/100)

2. All of Seller's mineral rights and all improvements, fixtures and appurtenances now in or on the Property are included in the purchase price, including the following: TV antennas and satellite dishes, tacked down carpeting, lighting fixtures and shades, all window treatments, screens and storm windows and doors, built-in kitchen appliances, awnings, mailbox, all plantings, fences; Additional Included Items:

Excepted Items:

3. TERMS. The terms of purchase shall be as indicated by an "X" below (other unmarked terms shall not apply): Payment of such money shall be made in cash, cashier's check, or bank money order.

[X] CASH The full purchase price upon execution and delivery of a Warranty Deed.

[] NEW MORTGAGE The full purchase price upon execution and delivery of a Warranty Deed, contingent upon Buyer's ability to obtain [] a conditional mortgage pre-approval within 7 days of the date of final acceptance of this Agreement, and [] an unconditional mortgage commitment acceptable to Buyer on or before. If Buyer cannot obtain either the pre-approval or the unconditional mortgage commitment within the time periods allowed, either party may terminate this Agreement by delivering written notice of termination to the other party within the same time period. This Agreement shall then become null and void and the earnest money deposit shall be returned to Buyer. If neither party terminates this Agreement within the time allowed, the financing contingency shall be deemed waived. For the purposes of this Agreement, a commitment will not be considered conditional if it contains requirements that can only be fulfilled at closing, such as Buyer's execution of the loan documents or delivery of a paid insurance binder.

[] LAND CONTRACT \$ upon execution and delivery of a Land Contract, wherein the balance of \$ shall be payable in installments of \$ or more including interest at % per annum, interest to start on the date of closing and the first such payment to become due days after closing. The Land Contract shall be paid in full within years from the date of closing. [] Land Contract Rider attached.

4. OTHER PROVISIONS: Inspection contingency is to allow time to review the title for easements and boundary restrictions.

and/or see Addendum attached hereto.

5. CONDITION OF PROPERTY. Buyer has examined the Property and agrees to accept same in its present "AS IS" condition except as may be specified herein and agrees that there are no other or additional written or oral understandings. Buyer and Seller are aware that a homeowner's warranty policy is available; a Realtor may receive a referral fee from the warranty company. If the parties agree herein, Buyer may obtain and pay the cost of soil borings, surveys, use permits, land evaluation for on-site septic system, wetlands or environmental determinations or other permits, approvals or testing. Seller shall be responsible for obtaining any necessary land division approvals prior to closing. Seller shall remove all of Seller's personal property and any excluded items from the Property prior to the delivery of possession.

Initials: Buyer: [Signature]; Seller: ;

6. CHECK THE FOLLOWING WHICH APPLY:

AGENCY: Buyer and Seller each acknowledges receipt of an Agency Disclosure Form. The Selling Realtor is acting as Agent/Subagent of Seller; Buyer's Agent; Dual Agent; or Other: _____.

CONDOMINIUM: The Property is a condominium unit. See attached Condominium Rider.

INSPECTION CONTINGENCY: Buyer declines inspection contingency. This offer is contingent upon satisfactory inspection of the Property, at Buyer's expense, by a licensed contractor and/or inspector of Buyer's choice no later than 10 days after final acceptance hereof. If Buyer is not satisfied with the results of the inspection, upon receipt of written notice delivered to Seller or Seller's agent within the same time period, this Agreement shall become null and void and the earnest money deposit shall be returned to Buyer. If Buyer does not terminate the Agreement within the time allowed, the inspection contingency shall be deemed waived.

LAND DIVISION: Land Division Form attached, or Buyer to receive _____ divisions.

LEAD BASED PAINT: Buyer acknowledges receipt of the Lead Based Paint booklet and Disclosure on the Property: Yes; No; or N/A. If no required Lead Based Paint Disclosure is available from Seller, this Agreement does not become binding until Buyer has received a copy of the same.

SELLER'S DISCLOSURE STATEMENT: Buyer acknowledges receipt of the Seller's Disclosure Statement on the above Property, and Buyer has read and signed it: Yes; No; or N/A.

7. TITLE. Prior to closing Seller shall provide to Buyer a commitment for an Owner's Title Policy showing marketable title in the amount of the purchase price. The additional cost of extended coverage or coverage without standard exceptions shall be at Buyer's expense. Buyer shall have 10 days upon receipt of the commitment (and copies of any recorded documents referred to) to object to Seller in writing to any material defect in the title. If timely objection to title is made, Seller shall have 30 days from date Seller is notified in writing of the particular title defect claimed to remedy the defect. If Seller remedies the title defect within the 30 days, the parties agree to close the sale within 5 days of written notification thereof. If Seller is unable to remedy the title defect within the 30 days, Buyer may require the return of the deposit in full termination of this Agreement.

8. INSURANCE. Seller shall be responsible for fire and extended coverage insurance until sale is closed.

9. ADJUSTMENTS & COSTS. Rent, insurance if assigned, interest on any existing land contract, mortgage or other lien assumed by the Buyer, shall all be adjusted to the date of closing of the sale. Any costs or fees resulting from Buyer's financing (including any mortgage closing fee) shall be the responsibility of Buyer. Other closing fees charged by the title company shall be shared equally by Buyer and Seller. Buyer shall reimburse Seller at closing for any heating oil or gas remaining on the Property as of the day of closing and at Seller's cost. Seller shall be responsible for paying the State and County transfer taxes. **BUYER** further agrees to pay **Real Estate One of Petoskey**, at closing of sale, a Brokerage Flat Fee Commission of \$99.00. It is agreed that the word "sale" shall include a trade or exchange and that a commission will be due at the agreed upon amount or percentage of the exchange or trade value, as the case may be, and that in the event of trade or exchange, **Real Estate One of Petoskey**, is authorized to receive a commission fee from both parties to the transaction provided disclosure thereof is made to all parties.

10. ASSESSMENTS which are or become a lien on the Property on or before date of closing shall be paid by Seller. Taxes billed in the year or years before closing shall be paid by Seller. Taxes billed or to be billed in the year of closing shall be prorated on a calendar year basis so that Seller shall be charged with taxes from the first of the year to the closing date, and Buyer charged with taxes for balance of year. If official bills for taxes prorated hereunder are not yet issued, taxes will be estimated by multiplying the Taxable Value by the latest available millage rate, taking into consideration the Personal Residence Exemption if applicable.

11. CLOSING. Sale shall be closed within 7 days after all necessary documents are ready. Notwithstanding anything to the contrary in this Agreement, including an extension under Section 7 above, this Agreement shall automatically terminate if the transaction has not closed by 5:00 p.m. EST/EDT on July 15, 2014.

12. POSSESSION. Buyer shall be given possession of the Property upon closing; or, see attached Possession Rider.

13. NON-DISCRIMINATION. As required by law, Seller and Realtor agree not to discriminate because of religion, race, creed, color, national origin, sex, familial status, age, height, weight, or physical or mental disability in the sale of this Property.

14. EXISTING MORTGAGE. Seller understands that consummation of the sale or transfer of the property described in this agreement shall not relieve the Seller of any liability that Seller may have under the mortgage(s) to which the property is subject, unless otherwise agreed to by the lender and Buyer or as required by law or regulation.

15. EFFECT. This Agreement shall be binding upon and shall benefit the heirs, successors and/or assigns of the parties hereto. This Agreement may not be assigned by either party without the prior, written consent of the other party. Offers, acceptances and notices required hereunder can be delivered by facsimile (Fax) copy to the parties or their agents, and the date and time of receipt of the Fax shall be the date and time of said offer, acceptance or notice. Timely performance is an essential element of this Agreement. This Agreement may be amended, and any time limits may be extended, by written consent of the parties. Until all contingencies are met or waived, Seller may continue to market the property for sale.

16. DEPOSIT. Buyer herewith deposits \$ 1,000 evidencing Buyer's good faith, said deposit to be held by Selling Realtor or by a designated escrow agent in accordance with the terms hereof and in accordance with the current regulations of the Michigan Department of Licensing and Regulation's Real Estate Division and applied to the purchase price at closing. If this offer is not accepted or if this Agreement is terminated according to its terms, this deposit shall be refunded in full termination of this Agreement. In the event of default by Buyer all deposits made hereunder may be forfeited as liquidated damages at Seller's election or alternatively, Seller may retain such deposits as part payment of the purchase price and pursue

Initials: Buyer: AWA ; _____

Seller: _____ ; _____

its legal or equitable remedies against Buyer. In the event of default by Seller, Buyer may, at its option, elect to enforce the terms hereof or demand, and be entitled to, an immediate refund of its entire deposit in full termination of this Agreement.

17. This offer shall, unless withdrawn earlier, remain open until 5:00 p.m. EST/EDT on June 25, 2014

Dated: June 19, 2014

Buyer's Address: 201 West Mitchell St.
Suite 167
Petoskey, MI 49770

Buyer:
X [Signature]
Indian Garden Managers Associate LLC
X _____

Fax: _____

Phone: 626-388-3456

Deposit monies received from Buyer in the form of check by: David Thurman
Salesman/Realtor

18. THE ABOVE AGREEMENT IS HEREBY ACCEPTED SUBJECT TO THE FOLLOWING:

and/or see addendum attached hereto.

19. Any counter-offer shall, unless withdrawn earlier, remain open until 5:00 p.m. EST/EDT on _____

20. Seller acknowledges receipt of a copy of this Agreement.

Dated: _____

Seller:
X _____
X _____

Seller's Address: _____

Fax: _____

Phone: _____

21. Buyer acknowledges receipt of Seller's acceptance of Buyer's offer. In the event the acceptance was subject to changes as hereinbefore set forth, as in Paragraph 18 above, the Buyer agrees to accept said changes, all other terms and conditions remaining unchanged.

Buyer:
X _____
X _____

Dated: _____

NOTICE: ALL PARTIES SHOULD HAVE THIS TRANSACTION REVIEWED BY AN ATTORNEY.
NOTICE: THIS STANDARD FORM IS PROVIDED BY THE EMMET ASSOCIATION OF REALTORS. IT IS THE DUTY OF THE SELLING AGENT TO INFORM THE LISTING AGENT OF ANY CHANGES MADE TO THE STANDARD FORM.
NOTICE: THE PARTIES ACKNOWLEDGE THAT THEY HAVE NOT RELIED UPON ANY REPRESENTATIONS OF THE REALTORS REGARDING THE TYPE OF CONSTRUCTION OR PHYSICAL CONDITION OF THE PROPERTY.

SELLING REALTOR PHONE No.: _____ FAX No.: _____
LISTING REALTOR PHONE No.: _____ FAX No.: _____

Initials: Buyer: _____ ; _____
Seller: _____ ; _____



City of Boyne City

MEMO

Agenda Item 9A

Date: June 20, 2014

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Boyne City to Charlevoix Non-Motorized Trail MDOT Certification

As the Commission may recall the City applied for and received a \$565,900 Michigan Department of Transportation (MDOT) Transportation Enhancement Act Grant as part of the funding package for the first phase of the Boyne City to Charlevoix Non-Motorized Trail (outlined in green on the attached map).

Other funding secured for this project includes a \$300,000 Michigan Natural Resources Trust Fund Grant obtained by Charlevoix County, \$32,216 from Evangeline Township, \$26,800 from the Charlevoix County Community Foundation, \$17,512 from the Top-of-Michigan Trails/Northern Michigan Bike Club and \$11,072 from us, the City of Boyne City.

The project is ready to bid and in order to do so MDOT requires a resolution from the City of Boyne City that a) Certifies that the funding is in place, including the matching funds; b) certifies maintenance commitment and c) authorizes an agency agent.

Since the funding is in place, the County has agreed to maintain the project outside of the City (see attached County resolution) and we have previously indicated our willingness to maintain the portion of the trail within the City and I am willing to serve as the agency agent on this project much like I do on most other City projects involving grant dollars. I would propose City Commission adoption of the following resolution:

'That pursuant to MDOT application #ENH 201100043 for phase one of the Boyne City to Charlevoix Non-Motorized Trail the City of Boyne certifies that: a) all funding for this project is in place; b) the City of Boyne City will maintain the trail within the City limits upon its completion and that the County of Charlevoix shall maintain the balance as outlined in their attached resolution and c) the Boyne City Manager Michael Cain shall serve as agency agent for this project.'

RECOMMENDATION: That the City Commission adopt the certifying resolution for the Boyne City to Charlevoix Non-Motorized Trail as proposed and authorize the City Clerk/Treasurer to submit it on behalf of the City of Boyne City.

Options:

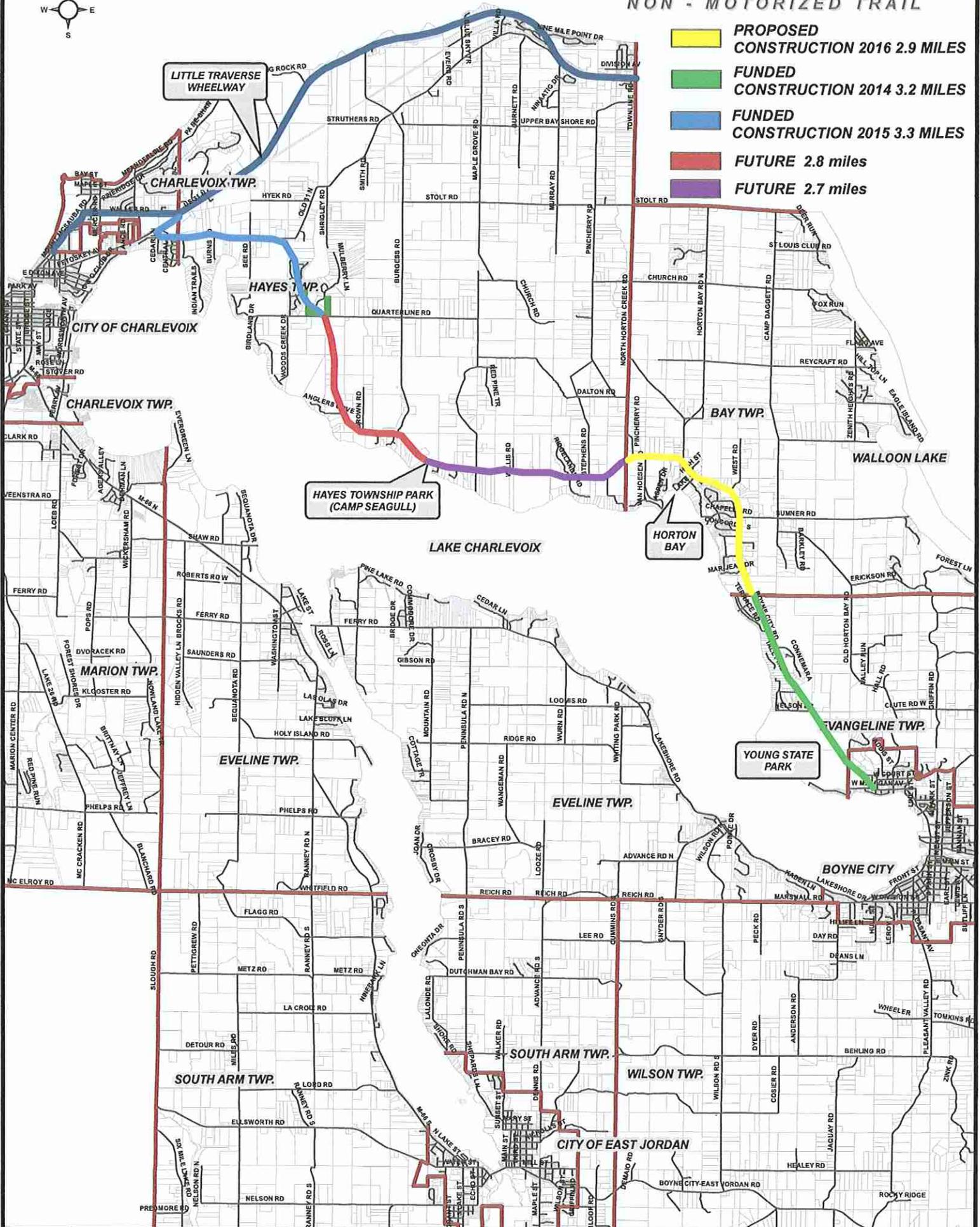
- 1) Postpone the matter for further consideration and/or information.
- 2) Modify the request.
- 3) Deny the request.
- 4) Other options as determined by the City Commission.

PROJECT LOCATION MAP

BOYNE CITY / CHARLEVOIX NON - MOTORIZED TRAIL



- PROPOSED CONSTRUCTION 2016 2.9 MILES**
- FUNDED CONSTRUCTION 2014 3.2 MILES**
- FUNDED CONSTRUCTION 2015 3.3 MILES**
- FUTURE 2.8 miles**
- FUTURE 2.7 miles**



JULY 15, 2011

NON-MOTORIZED TRAIL MAINTENANCE

RESOLUTION

WHEREAS, the Park Manager presented estimated administration, operating and maintenance costs for the Boyne City to US-31 non-motorized trail; and

WHEREAS, the Boyne City to US-31 non-motorized trail is approximately 14 miles long and the estimated is \$390 per mile for administration, operating and maintenance; and

WHEREAS, for a ten-year period the cost of trail maintenance is approximately \$54,600.00;

NOW THEREFORE BE IT RESOLVED, that the Charlevoix County Board of Commissioners accepts responsibility for the Boyne City to US-31 non-motorized trail maintenance for 10 years of the expected 20 year life of the trail;

BE IT FURTHER RESOLVED, that the Charlevoix County Board of Commissioners agrees that this maintenance obligation is not to exceed \$55,000 over the initial 10-year period.

Submitted by:

SHIRLENE TRIPP

Supported by:

CHRIS CHRISTENSEN

CERTIFIED	
Cheryl Potter Browe, County Clerk	
<i>Cheryl Potter</i>	07-18-2011
DEPUTY	DATE

11-064
15

June 2014

June 2014							July 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	6	7	1	2	3	4	5
8	9	10	11	12	13	14	13	14	8	9	10	11	12
15	16	17	18	19	20	21	20	21	15	16	17	18	19
22	23	24	25	26	27	28	27	28	22	23	24	25	26
29	30								29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					June 1
2	ZBA-Cancelled	8:00am Farmers Market	6:00pm Parks & Rec		8:00am Farmers Market
9	7:00pm City Commission	8:00am Farmers Market 6:00pm Business After Hours	8:30am Main Street Board mtg.	6:00pm Stroll The Streets	Flag Day (United States) More Items...
16	Mayors Exchange in Frankenmuth 5:00pm Planning Commission 7:00pm Historical Commission	8:00am Farmers Market		6:00pm Stroll The Streets	Bike for Breast Cancer More Items...
23	12:00pm City Commission	8:00am Farmers Market 6:30pm Evenings at the Gazebo	5:30pm Airport Advisory Board	SOBO Arts Festival 6:00pm Stroll The Streets	8:00am Farmers Market
30					

July 2014

July 2014							August 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	15	16
20	21	15	16	17	18	19	17	18	19	20	21	22	23
27	28	22	23	24	25	26	24	25	26	27	28	29	30
		29	30	31			31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	July 1	2	3	4	5
	5:00pm ZBA	8:00am Farmers Market 6:30pm Evenings at the Gazebo		City Offices Closed Independence Day (United States) 6:00pm Stroll The Streets	8:00am Farmers Market
					6
7	8	9	10	11	12
	7:00pm City Commission	8:00am Farmers Market 6:30pm Evenings at the Gazebo	8:30am Main Street Board mtg.	6:00pm Stroll The Streets	8:00am Farmers Market
					13
14	15	16	17	18	19
Mayors Exchange/Frankenmuth in		8:00am Farmers Market 6:30pm Evenings at the Gazebo	6:00pm Parks & Rec	6:00pm Stroll The Streets	8:00am Farmers Market
					20
21	22	23	24	25	26
12:00pm EDC/LDFA 5:00pm Planning Commission	12:00pm City Commission	8:00am Farmers Market 6:30pm Evenings at the Gazebo	5:30pm Airport Advisory Board	6:00pm Stroll The Streets	8:00am Farmers Market
					27
28	29	30	31		
		8:00am Farmers Market 6:30pm Evenings at the Gazebo			