

**DECEMBER 11, 2018
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 DECEMBER 11, 2018

CALL TO ORDER

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

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

Absent: None

Staff: Cindy Grice, Michael Cain , Mike Wiesner, Scott McPherson, Mark Fowler, Jeff Gaither, Kevin Spate, Patrick Kilkenny and Kelsie King-Duff

Others: There were seven citizens in attendance.

Moment of Silence for Oral Sutliff

Mayor Neidhamer asked for a moment of silence in memory of Oral Sutliff who passed away recently. Oral was a member of many community service organizations, along with many city boards. He will be greatly missed.

**CONSENT AGENDA
MOTION**

2018-12-129
Moved by Conklin
Second by Grunch

Approved of the November 27, 2018 City Commission regular meeting minutes as presented
Approved the ATT Metro Act Extension request as presented and authorize the City Manager to execute the documents

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

None

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- So far seven new customers have hooked into the West Michigan / Woodland Water main.
- Work has been taking place over the last couple of days on what we hope to be the final repairs to water production well #2 on the South side of the City.
- The City is working with the MDEQ and the new owner of the REH Acres building on Boyne Avenue on a \$100,000 grant that will help pay for some environmental protections of the building that will support its remodeling and future uses.
- Staff is also working on a grant application under the Health Department of Northwest Michigan's "Building Healthy

Communities Greenspace Improvement Project to Increase Physical Activity" program. We obtained one of these grants two years ago for program and physical improvements south of the 1910 Building. Unfortunately this grant opportunity was released after our last meeting and is due just after the first of the year, so we have been unable to go thru our normal more formal review processes. Based on their knowledge of the program staff felt two projects were most viable. The first is paying for new 6" x6" posts out at Rotary Park based on what we discussed before for about \$5,000 with the second being a contingency fund for the Boyne Valley Trail project for \$15,000.

- I received an email from the Boyne Valley Supervisor late this morning advising me that they are planning to switch provision of EMS services for their Township from us to the Jordan Valley EMS Authority. Apparently they held a special meeting on this topic on November 26th and voted to have their attorney draft a resolution to make this switch at their Board meeting last night. We had no advance notice of either of these actions. In fact we were waiting to hear back to several invitations we made to their leadership to meet and discuss outstanding matters in this area starting before the November election. Given our years of quality and cost effective services to the Township and their residents over the years, including bailing them out of some real pickles, we are deeply disappointed by the apparent change they are considering. There are lots of outstanding issues related to this and we will keep you posted as they move ahead.

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

Draft minutes of the November 1, 2018 LDFA Board Meeting; the November 1, 2018 Parks & Recreation Commission; the November 7, 2018 Historical District Board Meeting; the November 8, 2018 Main Street Board Meeting and the November 19, 2018 Planning Commission Meeting were received and filed.

**Consumers Circuit
Clearing**

Representatives from Consumers Energy provided the Commissioner with an update regarding circuit clearing / tree trimming that will be taking place soon.

**Medical Marijuana
Ordinance Introduction**

Consideration of first reading of an ordinance 34-9 and 34-10 to prohibit marijuana establishments within the City of Boyne City as defined by the Michigan Regulation and Taxation of Marijuana Act and schedule a second reading for January 23, 2019.

Planning Director Scott McPherson discussed the Michigan Regulation and Taxation of Marijuana Act (MRTMA) that was approved by Michigan voters on November 6th and became effective on December 6, 2018. The Act requires municipalities to either "opt-in" to permit and regulate marijuana establishments, or "opt-out" to not permit marijuana establishments within the municipality. If a municipality wishes to "opt-out" it is recommend the action is done by ordinance.

From the effective date of the law the State has one year to assemble the regulatory framework for licensing commercial recreational marijuana establishments. While the State could adopt the regulatory framework in a shorter timeframe, it is not anticipated to be completed anytime in the near future. The City may opt in or out at any time. However given the fact that the nature and requirements of the rules that will be adopted by the State are completely unknown at this time, developing an ordinance to regulate establishments at this time would pose significant challenges. Therefore it would seem prudent to choose to opt out at this time to provide the City the time to further study the issue and fully consider the rules developed by the State once completed.

It should be noted that a municipality is not permanently bound by any actions it takes. If a municipality decides to opt-in after a decision to opt-out has been made, they can do so, and similarly the municipality can opt-out after opting in; however, this may pose challenges on how to treat any establishments that were legally created during the opt in period.

The proposed amendment is being presented to the City Commission at its December 11, 2018 meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available City Commission meeting that meets this requirement would be January 23, 2019.

Given the fact the regulatory framework for licensing of marijuana establishments has not yet developed and there is a possibility that some of the terms and provisions of the act may be further clarified or defined by future litigation it is recommend that an opt out ordinance be considered at this time.

Staff Comments: Police Chief Gaither agrees with the recommendation. We've clearly heard from the voters. Let's let the State come up with the rules. At least we will know what we are doing. City Manager Cain agrees. We would not be doing anything that can't be undone.

Citizens Comments: None

Board Discussion: Commissioner Page said if we don't opt out now, then we will automatically be opting in when it happens. Commissioner Solomon said this gives us time for the legalities to be sorted out. All Commissioner support the staff recommendation.

MOTION

2018-12-130
 Moved by Conklin
 Second by Page

To approve of the first reading of an ordinance 34-9 and 34-10 to prohibit marijuana establishments within the City of Boyne City as defined by the Michigan Regulation and Taxation of Marijuana Act and schedule a second reading for first evening meeting in February 2019.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

North Lake Street Resurfacing

Consideration to approve: 1) the proposed North Lake Street MDOT contract up to the maximum \$234,461 in State and Federal Funds authorized for this project and 2) C2AE's proposal for professional services associated with this project at an estimated cost of \$28,100 and authorize the City Manager and/or City Clerk/Treasurer to execute the necessary documents contingent upon meeting the project budgets.

City Manager Cain discussed the proposed milling and resurfacing of North Lake Street, between State Street and 200 feet south of Lakeview Drive. The construction of this project is proposed to be paid for using up to \$234,461 of State and Federal Funds. The City's responsibility is to cover the engineering and inspection costs.

North Lake Street was rebuilt in the late 1990's and is showing signs of wear. We have applied for and received funds to resurface the street in two sections. The first section is discussed tonight. The second section picks up at the north end where the first one leave off and continues to West Michigan and will follow one year later in 2020.

Bids for the first phase of the project came into MDOT on Friday, December 7th. The low bid by Payne & Dolan Inc was \$199,195.50 with a second bid very close behind. Both bids were over 17% above the Engineers estimate of \$169,721.50. Even with the higher than expected bids there appears to be sufficient State and Federal funding set aside for this project that would allow it to move forward.

The first item needing the City Commission's consideration is the proposed project agreement with MDOT. Although this project is being done in the City on a City maintained street the funding sources require that it be done under MDOT's jurisdiction. This is similar to how we rebuilt the eastern part of Division Street and the southern part of Pleasant Avenue. Please note that page 8 of the proposed agreement is using figures based upon the Engineer's estimate. I will be confirming with the State that the additional funds budgeted by the local road task force for this project are available as anticipated prior to actually executing the agreement.

The second item needing the City Commission's consideration is an agreement with the City's consulting engineers C2AE to perform the Construction Engineering and required test at an estimated cost of \$28,100. These costs would be covered by the City's Major Street Fund and there will be funds available for this purpose

Staff Comments: None

Citizen's Comments: None

MOTION

Board Discussion: All are in agreement with the proposal.

2018-12-131
Moved by Solomon
Second by Page

To approve: 1) the proposed North Lake Street MDOT contract up to the maximum \$234,461 in State and Federal Funds authorized for this project and 2) C2AE's proposal for professional services associated with this project at an estimated cost of \$28,100 and authorize the City Manager and/or City Clerk/Treasurer to execute the necessary documents contingent upon meeting the project budgets.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Financial Forecast

A presentation and review of financial forecasting model work prepared by interim Director of Public Works Michael Wiesner was presented and discussed. Background of how the data was obtained was provided. Work on the forecasting, along with an improved Capital Improvement Plan will continue.

2019 Meeting Calendar

MOTION

2018-12-132
Moved by Conklin
Second by Page

To approve the regular meeting schedule for 2019 the 2nd Tuesday of each month at 7:00 p.m. and the 4th Tuesday of each month except December 24 at noon with all meetings to be held at Boyne City Hall, 319 N. Lake Street

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Good Of The Order

None

Closed Session

MOTION

2018-12-133
Moved by Solomon
Second by Page

To approve the request of the City Manager to go into closed session to consider a periodic personnel evaluation of a public officer as provided in MCL 15.268 (a) of the Michigan Open Meetings Act (PA 267 of 1976) at 9:01 p.m.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

Return to Session

MOTION

2018-12-134
Moved by Neidhamer
Second by Solomon

To return to Open Session at 11:07 p.m.

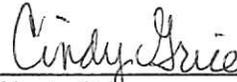
Ayes: 5
Nays: 0
Absent: 0
Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, December 11, 2018 at 11:08 p.m.



Tom Neidhamer
Mayor



Cindy Grice
Clerk/Treasurer